

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 704
100TH GENERAL ASSEMBLY

3553H.06C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 67.730, 67.1360, 94.838, 94.900, 94.902, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.991, 144.757, 205.202, 321.552, 326.289, 347.179, 347.183, 358.460, 358.470, 620.2005, and 620.2010, RSMo, and to enact in lieu thereof forty new sections relating to taxation, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 67.730, 67.1360, 94.838, 94.900, 94.902, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.991, 144.757, 205.202, 321.552, 326.289, 347.179, 347.183, 358.460, 358.470, 620.2005, and 620.2010, RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections 67.730, 67.1011, 67.1360, 67.1790, 94.838, 94.842, 94.900, 94.902, 94.1014, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.425, 143.991, 144.757, 205.202, 321.552, 326.289, 347.044, 347.179, 347.183, 358.460, 358.470, 620.2005, 620.2010, and 620.3210, to read as follows:

67.730. 1. Any county of the first ~~[class]~~ **classification or any county** having a charter form of government, and containing ~~[the major]~~ a portion of a city with a population of over three hundred fifty thousand may, upon the vote of a majority of the qualified voters of the county voting thereon, issue and sell its negotiable interest-bearing revenue bonds for the purpose of paying all or part of the cost of any capital improvements project or projects designated by the governing body of the county. The bonds shall be retired from the proceeds of a countywide sales tax on all retail sales made in such county which are subject to taxation

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 under the provisions of sections 144.010 to 144.525. The sales tax to retire the revenue bonds
9 shall be approved as a part of the proposal to issue the bonds submitted to the qualified voters
10 of the county and may be imposed in addition to or in lieu of all and any other sales tax
11 authorized by law to be imposed by the county.

12 2. The proposal to issue negotiable interest-bearing revenue bonds for the purpose of
13 capital improvement projects and the imposition of a sales tax to pay the principal and interest
14 on such bonds may be submitted by the governing body of the county to the voters of the county
15 at a county or state general, primary, or special election. The ballot of submission shall contain,
16 but need not be limited to, the following language:

17 Shall the county of _____ issue its negotiable interest-bearing revenue bonds in
18 the total face amount of \$_____ payable in _____ years for the purpose of
19 funding capital improvement projects in the county and impose a countywide
20 sales tax at the rate of _____ to pay the principal and interest on such bonds?

21 YES NO

22 If you are in favor of the question, place an "X" in the box opposite "YES". If
23 you are opposed to the question, place an "X" in the box opposite "NO".

24 3. If a majority of the votes cast on the proposal by the qualified voters voting thereon
25 are in favor of the proposal, then the bonds may be issued by the county from time to time and
26 in such amounts as may be necessary to carry out the county's program of capital improvements,
27 but not to exceed the total amount of bonds authorized by the vote of the qualified voters. If a
28 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal, then
29 the county shall have no power to issue the revenue bonds or impose the sales tax authorized by
30 sections 67.730 to 67.739 unless and until the governing body of the county shall again have
31 submitted the proposal and such proposal is approved by a majority of the qualified voters voting
32 thereon.

33 **4. The governing body of any county authorized to levy a sales tax pursuant to this**
34 **section, but which was not authorized to levy such sales tax prior to August 28, 2020, shall:**

35 **(1) Submit the question of the imposition of the sales tax to the voters on a general**
36 **election day not earlier than the 2022 general election; and**

37 **(2) Include information on the county website on the tax rate and the purposes for**
38 **which the tax is levied.**

2 **67.1011. 1. The governing body of any city of the third classification with more**
3 **than four thousand but fewer than four thousand five hundred inhabitants and located in**
4 **any county of the third classification with a township form of government and with more**
5 **than sixteen thousand but fewer than eighteen thousand inhabitants may impose a tax as**
6 **provided in this section.**

11 (4) Any fourth class city having, according to the last federal decennial census, a
12 population of more than one thousand eight hundred fifty inhabitants but less than one thousand
13 nine hundred fifty inhabitants in a county of the first classification with a charter form of
14 government and having a population of greater than six hundred thousand but less than nine
15 hundred thousand inhabitants;

16 (5) Any city having a population of more than three thousand but less than eight
17 thousand inhabitants in a county of the fourth classification having a population of greater than
18 forty-eight thousand inhabitants;

19 (6) Any city having a population of less than two hundred fifty inhabitants in a county
20 of the fourth classification having a population of greater than forty-eight thousand inhabitants;

21 (7) Any fourth class city having a population of more than two thousand five hundred
22 but less than three thousand inhabitants in a county of the third classification having a population
23 of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

24 (8) Any third class city with a population of more than three thousand two hundred but
25 less than three thousand three hundred located in a county of the third classification having a
26 population of more than thirty-five thousand but less than thirty-six thousand;

27 (9) Any county of the second classification without a township form of government and
28 a population of less than thirty thousand;

29 (10) Any city of the fourth class in a county of the second classification without a
30 township form of government and a population of less than thirty thousand;

31 (11) Any county of the third classification with a township form of government and a
32 population of at least twenty-eight thousand but not more than thirty thousand;

33 (12) Any city of the fourth class with a population of more than one thousand eight
34 hundred but less than two thousand in a county of the third classification with a township form
35 of government and a population of at least twenty-eight thousand but not more than thirty
36 thousand;

37 (13) Any city of the third class with a population of more than seven thousand two
38 hundred but less than seven thousand five hundred within a county of the third classification with
39 a population of more than twenty-one thousand but less than twenty-three thousand;

40 (14) Any fourth class city having a population of more than two thousand eight hundred
41 but less than three thousand one hundred inhabitants in a county of the third classification with
42 a township form of government having a population of more than eight thousand four hundred
43 but less than nine thousand inhabitants;

44 (15) Any fourth class city with a population of more than four hundred seventy but less
45 than five hundred twenty inhabitants located in a county of the third classification with a
46 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

47 (16) Any third class city with a population of more than three thousand eight hundred
48 but less than four thousand inhabitants located in a county of the third classification with a
49 population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

50 (17) Any fourth class city with a population of more than four thousand three hundred
51 but less than four thousand five hundred inhabitants located in a county of the third classification
52 without a township form of government with a population greater than sixteen thousand but less
53 than sixteen thousand two hundred inhabitants;

54 (18) Any fourth class city with a population of more than two thousand four hundred but
55 less than two thousand six hundred inhabitants located in a county of the first classification
56 without a charter form of government with a population of more than fifty-five thousand but less
57 than sixty thousand inhabitants;

58 (19) Any fourth class city with a population of more than two thousand five hundred but
59 less than two thousand six hundred inhabitants located in a county of the third classification with
60 a population of more than nineteen thousand one hundred but less than nineteen thousand two
61 hundred inhabitants;

62 (20) Any county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two hundred
64 inhabitants;

65 (21) Any county of the second classification with a population of more than forty-four
66 thousand but less than fifty thousand inhabitants;

67 (22) Any third class city with a population of more than nine thousand five hundred but
68 less than nine thousand seven hundred inhabitants located in a county of the first classification
69 without a charter form of government and with a population of more than one hundred
70 ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

71 (23) Any city of the fourth classification with more than five thousand two hundred but
72 less than five thousand three hundred inhabitants located in a county of the third classification
73 without a township form of government and with more than twenty-four thousand five hundred
74 but less than twenty-four thousand six hundred inhabitants;

75 (24) Any third class city with a population of more than nineteen thousand nine hundred
76 but less than twenty thousand in a county of the first classification without a charter form of
77 government and with a population of more than one hundred ninety-eight thousand but less than
78 one hundred ninety-eight thousand two hundred inhabitants;

79 (25) Any city of the fourth classification with more than two thousand six hundred but
80 less than two thousand seven hundred inhabitants located in any county of the third classification
81 without a township form of government and with more than fifteen thousand three hundred but
82 less than fifteen thousand four hundred inhabitants;

83 (26) Any county of the third classification without a township form of government and
84 with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

85 (27) Any city of the fourth classification with more than five thousand four hundred but
86 fewer than five thousand five hundred inhabitants and located in more than one county;

87 (28) Any city of the fourth classification with more than six thousand three hundred but
88 fewer than six thousand five hundred inhabitants and located in more than one county through
89 the creation of a tourism district which may include, in addition to the geographic area of such
90 city, the area encompassed by the portion of the school district, located within a county of the
91 first classification with more than ninety-three thousand eight hundred but fewer than
92 ninety-three thousand nine hundred inhabitants, having an average daily attendance for school
93 year 2005-06 between one thousand eight hundred and one thousand nine hundred;

94 (29) Any city of the fourth classification with more than seven thousand seven hundred
95 but less than seven thousand eight hundred inhabitants located in a county of the first
96 classification with more than ninety-three thousand eight hundred but less than ninety-three
97 thousand nine hundred inhabitants;

98 (30) Any city of the fourth classification with more than two thousand nine hundred but
99 less than three thousand inhabitants located in a county of the first classification with more than
100 seventy-three thousand seven hundred but less than seventy-three thousand eight hundred
101 inhabitants;

102 (31) Any city of the third classification with more than nine thousand three hundred but
103 less than nine thousand four hundred inhabitants;

104 (32) Any city of the fourth classification with more than three thousand eight hundred
105 but fewer than three thousand nine hundred inhabitants and located in any county of the first
106 classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine
107 thousand eight hundred inhabitants;

108 (33) Any city of the fourth classification with more than one thousand eight hundred but
109 fewer than one thousand nine hundred inhabitants and located in any county of the first
110 classification with more than one hundred thirty-five thousand four hundred but fewer than one
111 hundred thirty-five thousand five hundred inhabitants;

112 (34) Any county of the third classification without a township form of government and
113 with more than twelve thousand one hundred but fewer than twelve thousand two hundred
114 inhabitants;

115 (35) Any city of the fourth classification with more than three thousand eight hundred
116 but fewer than four thousand inhabitants and located in more than one county; provided,
117 however, that motels owned by not-for-profit organizations are exempt;

118 (36) Any city of the fourth classification with more than five thousand but fewer than
119 five thousand five hundred inhabitants and located in any county with a charter form of
120 government and with more than two hundred thousand but fewer than three hundred fifty
121 thousand inhabitants; [øø]

122 (37) Any city with more than four thousand but fewer than five thousand five hundred
123 inhabitants and located in any county of the fourth classification with more than thirty thousand
124 but fewer than forty-two thousand inhabitants; or

125 **(38) Any city of the third classification with more than nine thousand but fewer**
126 **than ten thousand inhabitants and located in more than one county.**

127 2. The governing body of any city or county listed in subsection 1 of this section may
128 impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels,
129 bed and breakfast inns, and campgrounds and any docking facility that rents slips to recreational
130 boats that are used by transients for sleeping, which shall be at least two percent but not more
131 than five percent per occupied room per night, except that such tax shall not become effective
132 unless the governing body of the city or county submits to the voters of the city or county at a
133 state general, primary, or special election, a proposal to authorize the governing body of the city
134 or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax
135 authorized by this section and section 67.1362 shall be in addition to any charge paid to the
136 owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds
137 of such tax shall be used by the city or county solely for funding the promotion of tourism. Such
138 tax shall be stated separately from all other charges and taxes.

139 **3. The governing body of any city or county authorized to levy a sales tax pursuant**
140 **to this section, but which was not authorized to levy such sales tax prior to August 28, 2020,**
141 **shall:**

142 **(1) Submit the question of the imposition of the sales tax to the voters on a general**
143 **election day not earlier than the 2022 general election; and**

144 **(2) Include information on the city or county website on the tax rate and the**
145 **purposes for which the tax is levied.**

67.1790. 1. The governing body of any county of the first classification with more
2 **than two hundred sixty thousand but fewer than three hundred thousand inhabitants, or**
3 **any city within such county, may impose by order or ordinance a sales tax on all retail sales**
4 **made within the county or city that are subject to sales tax under chapter 144 for the**
5 **purpose of funding early childhood education programs in the county or city. The tax shall**
6 **not exceed one-quarter of one percent and shall be imposed solely for the purpose of**
7 **funding early childhood education programs in the county or city. The tax authorized in**
8 **this section shall be in addition to all other sales taxes imposed by law and shall be stated**

9 separately from all other charges and taxes. The order or ordinance imposing a sales tax
 10 under this section shall not become effective unless the governing body of the county or city
 11 submits to the voters residing within the county or city, on a general election day not
 12 earlier than the 2022 general election, a proposal to authorize the governing body of the
 13 county or city to impose a tax under this section.

14 2. The question of whether the tax authorized by this section shall be imposed shall
 15 be submitted in substantially the following form:

16 Shall _____ (name of county/city) impose a (countywide/citywide) sales
 17 tax at a rate of ____ (insert percentage) percent for the purpose of funding
 18 early childhood education in the (county/city)?

19 YES NO

20 If a majority of the votes cast on the question by the qualified voters voting thereon are in
 21 favor of the question, the order or ordinance shall become effective on the first day of the
 22 second calendar quarter after the director of revenue receives notice of adoption of the tax.
 23 If a majority of the votes cast on the question by the qualified voters voting thereon are
 24 opposed to the question, the county or city shall not impose the sales tax authorized under
 25 this section unless and until the question is resubmitted under this section to the qualified
 26 voters and such question is approved by a majority of the qualified voters voting on the
 27 question.

28 3. On or after the effective date of any tax authorized under this section, the county
 29 or city that imposed the tax shall enter into an agreement with the director of revenue for
 30 the purpose of collecting the tax authorized in this section. On or after the effective date
 31 of the tax, the director of revenue shall be responsible for the administration, collection,
 32 enforcement, and operation of the tax, and sections 32.085 and 32.087 shall apply. All
 33 revenue collected under this section by the director of revenue on behalf of any county or
 34 city, less one percent for the cost of collection which shall be deposited in the state's general
 35 revenue fund, shall be deposited in a special trust fund, which is hereby created and shall
 36 be known as the "Early Childhood Education Sales Tax Trust Fund" and shall be used
 37 solely for the designated purposes. Moneys in the fund shall not be deemed to be state
 38 funds and shall not be commingled with any funds of the state. The director may make
 39 refunds from the amounts in the trust fund and credited to the county or city for erroneous
 40 payments and overpayments made and may redeem dishonored checks and drafts
 41 deposited to the credit of such county or city. Any funds in the special trust fund that are
 42 not needed for current expenditures shall be invested in the same manner as other funds
 43 are invested. Any interest and moneys earned on such investments shall be credited to the
 44 fund.

45 **4. In order to permit sellers required to collect and report the sales tax to collect the**
46 **amount required to be reported and remitted, but not to change the requirements of**
47 **reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid**
48 **fractions of pennies, the governing body of the county or city may authorize the use of a**
49 **bracket system similar to that authorized under section 144.285, and, notwithstanding the**
50 **provisions of that section, this new bracket system shall be used where this tax is imposed**
51 **and shall apply to all taxable transactions. Beginning with the effective date of the tax,**
52 **every retailer in the county or city shall add the sales tax to the sale price, and this tax shall**
53 **be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the**
54 **same manner as the purchase price. For purposes of this section, all retail sales shall be**
55 **deemed to be consummated at the place of business of the retailer.**

56 **5. All applicable provisions in sections 144.010 to 144.527 governing the state sales**
57 **tax and section 32.057, the uniform confidentiality provision, shall apply to the collection**
58 **of the tax, and all exemptions granted to agencies of government, organizations, and**
59 **persons under sections 144.010 to 144.527 are hereby made applicable to the imposition**
60 **and collection of the tax. The same sales tax permit, exemption certificate, and retail**
61 **certificate required by sections 144.010 to 144.527 for the administration and collection of**
62 **the state sales tax shall satisfy the requirements of this section, and no additional permit,**
63 **exemption certificate, or retail certificate shall be required, except that the director of**
64 **revenue may prescribe a form of exemption certificate for an exemption from the tax. All**
65 **discounts allowed the retailer under the state sales tax for the collection of and for payment**
66 **of taxes are hereby allowed and made applicable to the tax. The penalties for violations**
67 **provided in section 32.057 and sections 144.010 to 144.527 are hereby made applicable to**
68 **violations of this section. If any person is delinquent in the payment of the amount**
69 **required to be paid under this section, or in the event a determination has been made**
70 **against the person for taxes and penalties under this section, the limitation for bringing suit**
71 **for the collection of the delinquent tax and penalties shall be the same as that provided in**
72 **sections 144.010 to 144.527.**

73 **6. The governing body of any county or city that has adopted the sales tax**
74 **authorized in this section may submit the question of repeal of the tax to the voters at a**
75 **general election. The ballot of submission shall be in substantially the following form:**

76 **Shall _____ (name of county/city) repeal the sales tax imposed at a rate**
77 **of _____ (insert percentage) percent for the purpose of funding early**
78 **childhood education in the (county/city)?**

79 **YES**

NO

80 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
81 **favor of repeal, that repeal shall become effective on December thirty-first of the calendar**
82 **year in which such repeal was approved. If a majority of the votes cast on the question by**
83 **the qualified voters voting thereon are opposed to the repeal, the sales tax authorized in**
84 **this section shall remain effective until the question is resubmitted under this section to the**
85 **qualified voters and is approved by a majority of the qualified voters voting thereon.**

86 **7. If the governing body of any county or city that has adopted the sales tax**
87 **authorized in this section receives a petition signed by at least ten percent of the registered**
88 **voters of the county or city voting in the last gubernatorial election calling for an election**
89 **to repeal the sales tax imposed under this section, the governing body shall submit to the**
90 **voters of the county or city a proposal to repeal the tax. If a majority of the votes cast on**
91 **the question by the qualified voters voting thereon are in favor of the repeal, the repeal**
92 **shall become effective on December thirty-first of the calendar year in which such repeal**
93 **was approved. If a majority of the votes cast on the question by the qualified voters voting**
94 **thereon are opposed to the repeal, the sales tax authorized in this section shall remain**
95 **effective until the question is resubmitted under this section to the qualified voters and the**
96 **repeal is approved by a majority of the qualified voters voting on the question.**

97 **8. If the tax is repealed or terminated by any means, all funds remaining in the**
98 **special trust fund shall continue to be used solely for the designated purposes; the county**
99 **or city shall notify the director of revenue of the action at least thirty days before the**
100 **effective date of the repeal; and the director may order retention in the trust fund, for a**
101 **period of one year, of two percent of the amount collected after receipt of such notice to**
102 **cover possible refunds or overpayment of the tax and to redeem dishonored checks and**
103 **drafts deposited to the credit of such accounts. After one year has elapsed from the**
104 **effective date of abolition of the tax in such county or city, the director shall remit the**
105 **balance in the account to the county or city and close the account of that county or city.**
106 **The director shall notify each county or city of each instance of any amount refunded or**
107 **any check redeemed from receipts due the county or city.**

108 **9. The governing body of each county or city imposing the tax authorized under**
109 **this section shall select an existing community task force to administer the revenue from**
110 **the tax received by the county or city. Such revenue shall be expended only upon approval**
111 **of an existing community task force selected by the governing body of the county or city**
112 **to administer the funds and only in accordance with a budget approved by the county or**
113 **city governing body.**

114 **10. The governing body of any city or county authorized to levy a sales tax**
 115 **pursuant to this section shall include information on the city's or county's website on the**
 116 **tax rate and the purposes for which the tax is levied.**

94.838. 1. As used in this section, the following terms mean:

2 (1) "Food", all articles commonly used for food or drink, including alcoholic beverages,
 3 the provisions of chapter 311 notwithstanding;

4 (2) "Food establishment", any café, cafeteria, lunchroom, or restaurant which sells food
 5 at retail;

6 (3) "Municipality", any village or fourth class city with more than two hundred but less
 7 than three hundred inhabitants and located in any county of the third classification with a
 8 township form of government and with more than twelve thousand five hundred but less than
 9 twelve thousand six hundred inhabitants;

10 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or
 11 motel for thirty-one days or less during any calendar quarter.

12 2. The governing body of any municipality may impose, by order or ordinance:

13 (1) A tax, not to exceed six percent per room per night, on the charges for all sleeping
 14 rooms paid by the transient guests of hotels or motels situated in the municipality or a portion
 15 thereof; and

16 (2) A tax, not to exceed ~~two~~ **six** percent, on the gross receipts derived from the retail
 17 sales of food by every person operating a food establishment in the municipality.

18 The taxes shall be imposed solely for ~~[the purpose of funding the construction, maintenance, and~~
 19 ~~operation of capital improvements]~~ **general revenue purposes**. The order or ordinance shall not
 20 become effective unless the governing body of the municipality submits to the voters of the
 21 municipality at a state general or primary election a proposal to authorize the governing body of
 22 the municipality to impose taxes under this section. The taxes authorized in this section shall
 23 be in addition to the charge for the sleeping room, the retail sales of food at a food establishment,
 24 and all other taxes imposed by law, and shall be stated separately from all other charges and
 25 taxes.

26 3. The ballot of submission for the taxes authorized in this section shall be in
 27 substantially the following form:

28 Shall _____ (insert the name of the municipality) impose a tax on the charges
 29 for all retail sales of food at a food establishment situated in _____ (name of
 30 municipality) at a rate of _____ (insert rate of percent) percent, and for all
 31 sleeping rooms paid by the transient guests of hotels and motels situated in
 32 _____ (name of municipality) at a rate of _____ (insert rate of percent) percent,

33 solely for the purpose of ~~[funding the construction, maintenance, and operation~~
34 ~~of capital improvements]~~ **increasing general revenue funds?**

35 YES NO

36 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
37 of the question, then the taxes shall become effective on the first day of the second calendar
38 quarter after the director of revenue receives notice of the adoption of the taxes. If a majority of
39 the votes cast on the question by the qualified voters voting thereon are opposed to the question,
40 then the taxes shall not become effective unless and until the question is resubmitted under this
41 section to the qualified voters and such question is approved by a majority of the qualified voters
42 voting on the question.

43 4. Any tax on the retail sales of food imposed under this section shall be administered,
44 collected, enforced, and operated as required in section 32.087, and any transient guest tax
45 imposed under this section shall be administered, collected, enforced, and operated by the
46 municipality imposing the tax. All revenue generated by the tax shall be deposited in a special
47 trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds
48 remaining in the special trust fund shall continue to be used solely for the designated purposes.
49 Any funds in the special trust fund which are not needed for current expenditures may be
50 invested in the same manner as other funds are invested. Any interest and moneys earned on
51 such investments shall be credited to the fund.

52 5. Once the initial bonds, if any, have been satisfied, then the governing body of any
53 municipality that has adopted the taxes authorized in this section may submit the question of
54 repeal of the taxes to the voters on any date available for elections for the municipality. The
55 ballot of submission shall be in substantially the following form:

56 Shall _____ (insert the name of the municipality) repeal the taxes imposed at the
57 rates of _____ (insert rate of percent) and _____ (insert rate of percent) percent
58 for the purpose of ~~[funding the construction, maintenance, and operation of~~
59 ~~capital improvements]~~ **increasing general revenue funds?**

60 YES NO

61 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
62 effective on December thirty-first of the calendar year in which such repeal was approved. If a
63 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
64 the repeal, then the tax authorized in this section shall remain effective until the question is
65 resubmitted under this section to the qualified voters, and the repeal is approved by a majority
66 of the qualified voters voting on the question.

67 6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body
68 of any municipality that has adopted the taxes authorized in this section receives a petition,

69 signed by ten percent of the registered voters of the municipality voting in the last gubernatorial
 70 election, calling for an election to repeal the taxes imposed under this section, the governing
 71 body shall submit to the voters of the municipality a proposal to repeal the taxes. If a majority
 72 of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal,
 73 that repeal shall become effective on December thirty-first of the calendar year in which such
 74 repeal was approved. If a majority of the votes cast on the question by the qualified voters voting
 75 thereon are opposed to the repeal, then the tax shall remain effective until the question is
 76 resubmitted under this section to the qualified voters and the repeal is approved by a majority of
 77 the qualified voters voting on the question.

78 **7. The governing body of any municipality authorized to levy a sales tax pursuant**
 79 **to this section shall:**

80 **(1) Submit the question of an increase in the rate of the sales tax to the voters on**
 81 **a general election day not earlier than the 2022 general election; and**

82 **(2) Include information on the municipality's website on the tax rate and the**
 83 **purposes for which the tax is levied.**

94.842. 1. The governing body of any home rule city with more than one hundred
 2 **fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on**
 3 **the charges for all sleeping rooms paid by the transient guests of hotels or motels situated**
 4 **in the city, which shall not be more than seven and one-half percent per occupied room per**
 5 **night, except that such tax shall not become effective unless the governing body of the city**
 6 **submits to the voters of the city on a general election day not earlier than the 2022 general**
 7 **election, a proposal to authorize the governing body of the city to impose a tax under the**
 8 **provisions of this section. The tax authorized by this section shall be in addition to the**
 9 **charge for the sleeping room and shall be in addition to any and all taxes imposed by law,**
 10 **and the proceeds of such tax shall be used solely for capital investments that can be**
 11 **demonstrated to increase the number of overnight visitors. Such tax shall be stated**
 12 **separately from all other charges and taxes.**

13 **2. The question shall be submitted in substantially the following form:**

14 **Shall the _____ (city) levy a tax of _____ percent on each sleeping room**
 15 **occupied and rented by transient guests of hotels and motels located in the**
 16 **city, where the proceeds of which shall be expended for capital investments**
 17 **to increase tourism?**

18 **YES** **NO**

19 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
 20 **favor of the question, then the tax shall become effective on the first day of the calendar**
 21 **quarter following the calendar quarter in which the election was held. If a majority of the**

22 votes cast on the question by the qualified voters voting thereon are opposed to the
23 question, then the governing body for the city shall have no power to impose the tax
24 authorized by this section unless and until the governing body of the city again submits the
25 question to the qualified voters of the city and such question is approved by a majority of
26 the qualified voters voting on the question.

27 **3. On and after the effective date of any tax authorized under the provisions of this**
28 **section, the city which levied the tax may adopt one of the two following provisions for the**
29 **collection and administration of the tax:**

30 **(1) The city which levied the tax may adopt rules and regulations for the internal**
31 **collection of such tax by the city officers usually responsible for collection and**
32 **administration of city taxes; or**

33 **(2) The city may enter into an agreement with the director of revenue of the state**
34 **of Missouri for the purpose of collecting the tax authorized in this section. In the event any**
35 **city enters into an agreement with the director of revenue of the state of Missouri for the**
36 **collection of the tax authorized in this section, the director of revenue shall perform all**
37 **functions incident to the administration, collection, enforcement, and operation of such tax,**
38 **and the director of revenue shall collect the additional tax authorized under the provisions**
39 **of this section. The tax authorized under the provisions of this section shall be collected**
40 **and reported upon such forms and under such administrative rules and regulations as may**
41 **be prescribed by the director of revenue, and the director of revenue shall retain not more**
42 **than one percent for cost of collection.**

43 **4. The governing body of any city authorized to levy a sales tax pursuant to this**
44 **section shall include information on the city's website on the tax rate and the purposes for**
45 **which the tax is levied.**

46 **5. As used in this section, "transient guests" means a person or persons who occupy**
47 **a room or rooms in a hotel, motel, or tourist court consecutively for thirty-one days or less.**

94.900. 1. (1) The governing body of the following cities may impose a tax as provided
2 in this section:

3 (a) Any city of the third classification with more than ten thousand eight hundred but less
4 than ten thousand nine hundred inhabitants located at least partly within a county of the first
5 classification with more than one hundred eighty-four thousand but less than one hundred
6 eighty-eight thousand inhabitants;

7 (b) Any city of the fourth classification with more than four thousand five hundred but
8 fewer than five thousand inhabitants;

9 (c) Any city of the fourth classification with more than eight thousand nine hundred but
10 fewer than nine thousand inhabitants;

11 (d) Any home rule city with more than forty-eight thousand but fewer than forty-nine
12 thousand inhabitants;

13 (e) Any home rule city with more than seventy-three thousand but fewer than
14 seventy-five thousand inhabitants;

15 (f) Any city of the fourth classification with more than thirteen thousand five hundred
16 but fewer than sixteen thousand inhabitants;

17 (g) Any city of the fourth classification with more than seven thousand but fewer than
18 eight thousand inhabitants;

19 (h) Any city of the fourth classification with more than four thousand but fewer than four
20 thousand five hundred inhabitants and located in any county of the first classification with more
21 than one hundred fifty thousand but fewer than two hundred thousand inhabitants;

22 (i) Any city of the third classification with more than thirteen thousand but fewer than
23 fifteen thousand inhabitants and located in any county of the third classification without a
24 township form of government and with more than thirty-three thousand but fewer than
25 thirty-seven thousand inhabitants; [øø]

26 (j) Any city of the fourth classification with more than three thousand but fewer than
27 three thousand three hundred inhabitants and located in any county of the third classification
28 without a township form of government and with more than eighteen thousand but fewer than
29 twenty thousand inhabitants and that is not the county seat of such county;

30 **(k) Any city of the fourth classification with more than one thousand three hundred**
31 **fifty but fewer than one thousand five hundred inhabitants and located in any county of**
32 **the first classification with more than one hundred fifty thousand but fewer than two**
33 **hundred thousand inhabitants;**

34 **(l) Any city of the fourth classification with more than eight thousand but fewer**
35 **than twelve thousand inhabitants and located in any county of the first classification with**
36 **more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;**
37 **or**

38 **(m) Any city of the fourth classification with more than four hundred fifty but**
39 **fewer than five hundred inhabitants and located in any county of the third classification**
40 **without a township form of government and with more than twenty-nine thousand but**
41 **fewer than thirty-three thousand inhabitants and with a city of the fourth classification**
42 **with more than four hundred but fewer than four hundred fifty inhabitants as the county**
43 **seat.**

44 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby
45 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one
46 percent on all retail sales made in such city which are subject to taxation under the provisions

47 of sections 144.010 to 144.525 for the purpose of improving the public safety for such city[;]
 48 including, but not limited to, expenditures on equipment, city employee salaries and benefits, and
 49 facilities for police, fire and emergency medical providers. The tax authorized by this section
 50 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or
 51 order imposing a sales tax pursuant to the provisions of this section shall be effective unless the
 52 governing body of the city submits to the voters of the city, at a county or state general, primary,
 53 or special election, a proposal to authorize the governing body of the city to impose a tax.

54 2. If the proposal submitted involves only authorization to impose the tax authorized by
 55 this section, the ballot of submission shall contain, but need not be limited to, the following
 56 language:

57 Shall the city of _____ (city's name) impose a citywide sales tax of _____
 58 (insert amount) for the purpose of improving the public safety of the city?

59 YES NO

60 If you are in favor of the question, place an "X" in the box opposite "YES". If you
 61 are opposed to the question, place an "X" in the box opposite "NO".

62 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 63 of the proposal submitted pursuant to this subsection, then the ordinance or order and any
 64 amendments thereto shall be in effect on the first day of the second calendar quarter after the
 65 director of revenue receives notification of adoption of the local sales tax. If a proposal receives
 66 less than the required majority, then the governing body of the city shall have no power to
 67 impose the sales tax herein authorized unless and until the governing body of the city shall again
 68 have submitted another proposal to authorize the governing body of the city to impose the sales
 69 tax authorized by this section and such proposal is approved by the required majority of the
 70 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section
 71 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant
 72 to this section.

73 3. All revenue received by a city from the tax authorized under the provisions of this
 74 section shall be deposited in a special trust fund and shall be used solely for improving the public
 75 safety for such city for so long as the tax shall remain in effect.

76 4. Once the tax authorized by this section is abolished or is terminated by any means, all
 77 funds remaining in the special trust fund shall be used solely for improving the public safety for
 78 the city. Any funds in such special trust fund which are not needed for current expenditures may
 79 be invested by the governing body in accordance with applicable laws relating to the investment
 80 of other city funds.

81 5. All sales taxes collected by the director of ~~the department of~~ revenue under this
 82 section on behalf of any city, less one percent for cost of collection which shall be deposited in

83 the state's general revenue fund after payment of premiums for surety bonds as provided in
84 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known
85 as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be
86 deemed to be state funds and shall not be commingled with any funds of the state. The
87 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be
88 transferred and placed to the credit of the general revenue fund. The director of [~~the department~~
89 ~~of~~] revenue shall keep accurate records of the amount of money in the trust and which was
90 collected in each city imposing a sales tax pursuant to this section, and the records shall be open
91 to the inspection of officers of the city and the public. Not later than the tenth day of each month
92 the director of [~~the department of~~] revenue shall distribute all moneys deposited in the trust fund
93 during the preceding month to the city which levied the tax; such funds shall be deposited with
94 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall
95 be by an appropriation act to be enacted by the governing body of each such city. Expenditures
96 may be made from the fund for any functions authorized in the ordinance or order adopted by
97 the governing body submitting the tax to the voters.

98 6. The director of [~~the department of~~] revenue may make refunds from the amounts in
99 the trust fund and credited to any city for erroneous payments and overpayments made, and may
100 redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes
101 the tax, the city shall notify the director of [~~the department of~~] revenue of the action at least
102 ninety days prior to the effective date of the repeal and the director of [~~the department of~~]
103 revenue may order retention in the trust fund, for a period of one year, of two percent of the
104 amount collected after receipt of such notice to cover possible refunds or overpayment of the tax
105 and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one
106 year has elapsed after the effective date of abolition of the tax in such city, the director of [~~the~~
107 ~~department of~~] revenue shall remit the balance in the account to the city and close the account
108 of that city. The director of [~~the department of~~] revenue shall notify each city of each instance
109 of any amount refunded or any check redeemed from receipts due the city.

110 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
111 apply to the tax imposed pursuant to this section.

112 **8. The governing body of any city authorized to levy a sales tax pursuant to this**
113 **section, but which was not authorized to levy such sales tax prior to August 28, 2020, shall:**

114 **(1) Submit the question of the imposition of the sales tax to the voters on a general**
115 **election day not earlier than the 2022 general election; and**

116 **(2) Include information on the city's website on the tax rate and the purposes for**
117 **which the tax is levied.**

94.902. 1. The governing bodies of the following cities **or villages** may impose a tax
2 as provided in this section:

3 (1) Any city of the third classification with more than twenty-six thousand three hundred
4 but less than twenty-six thousand seven hundred inhabitants;

5 (2) Any city of the fourth classification with more than thirty thousand three hundred but
6 fewer than thirty thousand seven hundred inhabitants;

7 (3) Any city of the fourth classification with more than twenty-four thousand eight
8 hundred but fewer than twenty-five thousand inhabitants;

9 (4) Any special charter city with more than twenty-nine thousand but fewer than thirty-
10 two thousand inhabitants;

11 (5) Any city of the third classification with more than four thousand but fewer than four
12 thousand five hundred inhabitants and located in any county of the first classification with more
13 than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

14 (6) Any city of the fourth classification with more than nine thousand five hundred but
15 fewer than ten thousand eight hundred inhabitants;

16 (7) Any city of the fourth classification with more than five hundred eighty but fewer
17 than six hundred fifty inhabitants;

18 (8) Any city of the fourth classification with more than two thousand seven hundred but
19 fewer than three thousand inhabitants and located in any county of the first classification with
20 more than eighty-three thousand but fewer than ninety-two thousand inhabitants; [øø]

21 (9) Any city of the fourth classification with more than two thousand four hundred but
22 fewer than two thousand seven hundred inhabitants and located in any county of the third
23 classification without a township form of government and with more than ten thousand but fewer
24 than twelve thousand inhabitants;

25 **(10) Any city of the third classification with more than nine thousand but fewer**
26 **than ten thousand inhabitants and located in any county of the third classification with a**
27 **township form of government and with more than twenty thousand but fewer than twenty-**
28 **three thousand inhabitants;**

29 **(11) Any city of the fourth classification with more than one thousand fifty but**
30 **fewer than one thousand two hundred inhabitants and located in any county of the third**
31 **classification without a township form of government and with more than eighteen**
32 **thousand but fewer than twenty thousand inhabitants and with a city of the fourth**
33 **classification with more than two thousand one hundred but fewer than two thousand four**
34 **hundred inhabitants as the county seat; or**

35 **(12) Any village with more than one thousand three hundred fifty but fewer than**
36 **one thousand five hundred inhabitants and located in any county of the first classification**

37 **with more than two hundred thousand but fewer than two hundred sixty thousand**
 38 **inhabitants.**

39 2. The governing body of any city **or village** listed in subsection 1 of this section may
 40 impose, by order or ordinance, a sales tax on all retail sales made in the city **or village** which are
 41 subject to taxation under chapter 144. The tax authorized in this section may be imposed in an
 42 amount of up to one-half of one percent, ~~and~~ **except that a city listed under subdivision (10)**
 43 **or (11) of subsection 1 of this section may impose a tax of one-fourth, one-half, three-**
 44 **fourths, or one percent. The tax** shall be imposed solely for the purpose of improving the
 45 public safety for such city~~s~~ **or village** including, but not limited to, expenditures on equipment,
 46 city **or village** employee salaries and benefits, and facilities for police, fire, and emergency
 47 medical providers. The tax authorized in this section shall be in addition to all other sales taxes
 48 imposed by law, and shall be stated separately from all other charges and taxes. The order or
 49 ordinance imposing a sales tax under this section shall not become effective unless the governing
 50 body of the city **or village** submits to the voters residing within the city **or village**, at a county
 51 or state general, primary, or special election, a proposal to authorize the governing body of the
 52 city **or village** to impose a tax under this section.

53 3. The ballot of submission for the tax authorized in this section shall be in substantially
 54 the following form:

55 Shall the **(city/village)** of _____ (~~city's~~ **insert** name) impose a
 56 **(citywide/villagewide)** sales tax at a rate of _____ (insert ~~[rate of percent]~~
 57 **percentage**) percent for the purpose of improving the public safety of the
 58 **(city/village)?**

59 YES

NO

60 If you are in favor of the question, place an "X" in the box opposite "YES". If you
 61 are opposed to the question, place an "X" in the box opposite "NO".

62 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
 63 of the proposal, then the ordinance or order and any amendments to the order or ordinance shall
 64 become effective on the first day of the second calendar quarter after the director of revenue
 65 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal
 66 by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become
 67 effective unless the proposal is resubmitted under this section to the qualified voters and such
 68 proposal is approved by a majority of the qualified voters voting on the proposal. However, in
 69 no event shall a proposal under this section be submitted to the voters sooner than twelve months
 70 from the date of the last proposal under this section.

71 4. Any sales tax imposed under this section shall be administered, collected, enforced,
 72 and operated as required in section 32.087. All sales taxes collected by the director of the

73 department of revenue under this section on behalf of any city **or village**, less one percent for
74 cost of collection which shall be deposited in the state's general revenue fund after payment of
75 premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust
76 fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales
77 Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall
78 not be commingled with any funds of the state. The provisions of section 33.080 to the contrary
79 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
80 general revenue fund. The director shall keep accurate records of the amount of money in the
81 trust fund and which was collected in each city **or village** imposing a sales tax under this section,
82 and the records shall be open to the inspection of officers of the city **or village** and the public.
83 Not later than the tenth day of each month the director shall distribute all moneys deposited in
84 the trust fund during the preceding month to the city **or village** which levied the tax. Such funds
85 shall be deposited with the city **or village** treasurer of each such city **or village**, and all
86 expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted
87 by the governing body of each such city **or village**. Expenditures may be made from the fund
88 for any functions authorized in the ordinance or order adopted by the governing body submitting
89 the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall
90 continue to be used solely for the designated purposes. Any funds in the special trust fund which
91 are not needed for current expenditures shall be invested in the same manner as other funds are
92 invested. Any interest and moneys earned on such investments shall be credited to the fund.

93 5. The director of ~~the department of~~ revenue may authorize the state treasurer to make
94 refunds from the amounts in the trust fund and credited to any city **or village** for erroneous
95 payments and overpayments made, and may redeem dishonored checks and drafts deposited to
96 the credit of such cities **or villages**. If any city **or village** abolishes the tax, the city **or village**
97 shall notify the director of the action at least ninety days before the effective date of the repeal,
98 and the director may order retention in the trust fund, for a period of one year, of two percent of
99 the amount collected after receipt of such notice to cover possible refunds or overpayment of the
100 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
101 one year has elapsed after the effective date of abolition of the tax in such city **or village**, the
102 director shall remit the balance in the account to the city and close the account of that city **or**
103 **village**. The director shall notify each city **or village** of each instance of any amount refunded
104 or any check redeemed from receipts due the city **or village**.

105 6. The governing body of any city **or village** that has adopted the sales tax authorized
106 in this section may submit the question of repeal of the tax to the voters on any date available for
107 elections for the city **or village**. The ballot of submission shall be in substantially the following
108 form:

109 Shall **the city of** _____ [~~(insert the name of the city)~~] repeal the sales tax
 110 imposed at a rate of _____ [~~(insert rate of percent)~~] percent for the purpose of
 111 improving the public safety of the (city/village)?

112 YES NO

113 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
 114 effective on December thirty-first of the calendar year in which such repeal was approved. If a
 115 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
 116 the repeal, then the sales tax authorized in this section shall remain effective until the question
 117 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
 118 of the qualified voters voting on the question.

119 7. Whenever the governing body of any city **or village** that has adopted the sales tax
 120 authorized in this section receives a petition, signed by ten percent of the registered voters of the
 121 city **or village** voting in the last gubernatorial election, calling for an election to repeal the sales
 122 tax imposed under this section, the governing body shall submit to the voters of the city **or**
 123 **village** a proposal to repeal the tax. If a majority of the votes cast on the question by the
 124 qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on
 125 December thirty-first of the calendar year in which such repeal was approved. If a majority of
 126 the votes cast on the question by the qualified voters voting thereon are opposed to the repeal,
 127 then the tax shall remain effective until the question is resubmitted under this section to the
 128 qualified voters and the repeal is approved by a majority of the qualified voters voting on the
 129 question.

130 8. Any sales tax imposed under this section by a city described under subdivision (6) of
 131 subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire.
 132 No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax
 133 pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply
 134 to a sales tax imposed under this section by a city described under subdivision (6) of subsection
 135 1 of this section.

136 9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
 137 apply to the tax imposed under this section.

138 **10. The governing body of any city or village authorized to levy a sales tax pursuant**
 139 **to this section, but which was not authorized to levy such sales tax prior to August 28, 2020,**
 140 **shall:**

141 **(1) Submit the question of the imposition of the sales tax to the voters on a general**
 142 **election day not earlier than the 2022 general election; and**

143 **(2) Include information on the city or village website on the tax rate and the**
 144 **purposes for which the tax is levied.**

2 **94.1014. 1. (1) The governing body of any city of the fourth classification with**
 3 **more than three thousand seven hundred but fewer than four thousand inhabitants and**
 4 **located in any county of the first classification with more than one hundred fifty thousand**
 5 **but fewer than two hundred thousand inhabitants may impose a tax on the charges for all**
 6 **sleeping rooms paid by the transient guests of hotels or motels situated in the city or a**
 7 **portion thereof. The tax shall not be more than five percent per occupied room per night.**

8 **(2) The tax shall not become effective unless the governing body of the city, on a**
 9 **general election day not earlier than the 2022 general election, submits to the voters of the**
 10 **city a proposal to authorize the city to impose a tax under this section, and the voters**
 11 **approve the tax.**

12 **(3) The tax shall be in addition to the charge for the sleeping room and all other**
 13 **taxes imposed by law. The tax shall be stated separately from all other charges and taxes.**

14 **(4) The proceeds of the tax shall be used by the city for the promotion of tourism;**
 15 **growth of the region; economic development purposes; and public safety purposes**
 16 **including, but not limited to, equipment expenditures, employee salaries and benefits, and**
 17 **facilities for police, firefighters, or emergency medical providers.**

18 **2. The ballot for authorization of the tax shall be in substantially the following**
 19 **form:**

20 **Shall _____ (name of the city) impose a tax on the charges for all sleeping**
 21 **rooms paid by the transient guests of hotels and motels situated in _____**
 22 **(name of the city) at a rate of _____ percent for the promotion of tourism,**
 23 **growth of the region, economic development, and public safety?**

24 **YES** **NO**

25 **If a majority of the votes cast on the proposal by qualified voters approve the proposal, the**
 26 **tax shall become effective on the first day of the second calendar quarter following the**
 27 **election. If a majority of the votes cast on the proposal by qualified voters opposed the**
 28 **proposal, the tax shall not become effective unless and until the proposal is again submitted**
 29 **to the voters of the city and is approved by a majority of the qualified voters voting**
 30 **thereon.**

31 **3. The governing body of any city authorized to levy a sales tax pursuant to this**
 32 **section shall include information on the city's website on the tax rate and the purposes for**
 33 **which the tax is levied.**

34 **4. As used in this section, "transient guest" means any person who occupies a room**
 35 **or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.**

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires
 2 **otherwise, the following terms shall mean:**

3 (1) "Blighted area", an area which, by reason of the predominance of [~~defective or~~
4 ~~inadequate street layout,~~] insanitary or unsafe conditions, [~~deterioration of site improvements,~~
5 ~~improper subdivision or obsolete platting,~~] or the existence of conditions which endanger life or
6 property by fire and other causes, or any combination of such factors, retards the provision of
7 housing accommodations or constitutes an economic or social liability or a menace to the public
8 health, safety, [~~morals,~~] or welfare in its present condition and use, **and, for redevelopment**
9 **areas located in a city not within a county, which has a median household income less than**
10 **or equal to two hundred percent of the federal poverty level, as determined by the most**
11 **current five-year figures published by the American Community Survey conducted by the**
12 **United States Census Bureau;**

13 (2) "Collecting officer", the officer of the municipality responsible for receiving and
14 processing payments in lieu of taxes or economic activity taxes from taxpayers or the department
15 of revenue;

16 (3) [~~"Conservation area", any improved area within the boundaries of a redevelopment~~
17 ~~area located within the territorial limits of a municipality in which fifty percent or more of the~~
18 ~~structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted~~
19 ~~area but is detrimental to the public health, safety, morals, or welfare and may become a blighted~~
20 ~~area because of any one or more of the following factors: dilapidation; obsolescence;~~
21 ~~deterioration; illegal use of individual structures; presence of structures below minimum code~~
22 ~~standards; abandonment; excessive vacancies; overcrowding of structures and community~~
23 ~~facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land~~
24 ~~coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of~~
25 ~~community planning. A conservation area shall meet at least three of the factors provided in this~~
26 ~~subdivision for projects approved on or after December 23, 1997;~~

27 ———(4)] "Economic activity taxes", the total additional revenue from taxes which are imposed
28 by a municipality and other taxing districts, and which are generated by economic activities
29 within a redevelopment area over the amount of such taxes generated by economic activities
30 within such redevelopment area in the calendar year prior to the adoption of the ordinance
31 designating such a redevelopment area, while tax increment financing remains in effect, but
32 excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by
33 transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment
34 projects or redevelopment plans approved after December 23, 1997, if a retail establishment
35 relocates within one year from one facility to another facility within the same county and the
36 governing body of the municipality finds that the relocation is a direct beneficiary of tax
37 increment financing, then for purposes of this definition, the economic activity taxes generated
38 by the retail establishment shall equal the total additional revenues from economic activity taxes

39 which are imposed by a municipality or other taxing district over the amount of economic
40 activity taxes generated by the retail establishment in the calendar year prior to its relocation to
41 the redevelopment area;

42 ~~[(5) "Economic development area", any area or portion of an area located within the~~
43 ~~territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and~~
44 ~~(3) of this section, and in which the governing body of the municipality finds that redevelopment~~
45 ~~will not be solely used for development of commercial businesses which unfairly compete in the~~
46 ~~local economy and is in the public interest because it will:~~

47 ~~—— (a) Discourage commerce, industry or manufacturing from moving their operations to~~
48 ~~another state; or~~

49 ~~—— (b) Result in increased employment in the municipality; or~~

50 ~~—— (c) Result in preservation or enhancement of the tax base of the municipality;~~

51 ~~—— (6)] (4) "Gambling establishment", an excursion gambling boat as defined in section~~
52 ~~313.800 and any related business facility including any real property improvements which are~~
53 ~~directly and solely related to such business facility, whose sole purpose is to provide goods or~~
54 ~~services to an excursion gambling boat and whose majority ownership interest is held by a person~~
55 ~~licensed to conduct gambling games on an excursion gambling boat or licensed to operate an~~
56 ~~excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be~~
57 ~~applicable only to a redevelopment area designated by ordinance adopted after December 23,~~
58 ~~1997;~~

59 ~~[(7)] (5) "Greenfield area", any vacant, unimproved, or agricultural property that is~~
60 ~~located wholly outside the incorporated limits of a city, town, or village, or that is substantially~~
61 ~~surrounded by contiguous properties with agricultural zoning classifications or uses unless said~~
62 ~~property was annexed into the incorporated limits of a city, town, or village ten years prior to the~~
63 ~~adoption of the ordinance approving the redevelopment plan for such greenfield area;~~

64 ~~[(8)] (6) "Municipality", a city, village, or incorporated town or any county of this state.~~
65 ~~For redevelopment areas or projects approved on or after December 23, 1997, municipality~~
66 ~~applies only to cities, villages, incorporated towns or counties established for at least one year~~
67 ~~prior to such date;~~

68 ~~[(9)] (7) "Obligations", bonds, loans, debentures, notes, special certificates, or other~~
69 ~~evidences of indebtedness issued by a municipality to carry out a redevelopment project or to~~
70 ~~refund outstanding obligations;~~

71 ~~[(10)] (8) "Ordinance", an ordinance enacted by the governing body of a city, town, or~~
72 ~~village or a county or an order of the governing body of a county whose governing body is not~~
73 ~~authorized to enact ordinances;~~

74 ~~[(11)]~~ **(9)** "Payment in lieu of taxes", those estimated revenues from real property in the
75 area selected for a redevelopment project, which revenues according to the redevelopment
76 project or plan are to be used for a private use, which taxing districts would have received had
77 a municipality not adopted tax increment allocation financing, and which would result from
78 levies made after the time of the adoption of tax increment allocation financing during the time
79 the current equalized value of real property in the area selected for the redevelopment project
80 exceeds the total initial equalized value of real property in such area until the designation is
81 terminated pursuant to subsection 2 of section 99.850;

82 ~~[(12)]~~ **(10)** "Redevelopment area", an area designated by a municipality, in respect to
83 which the municipality has made a finding that there exist conditions which cause the area to be
84 classified as a blighted area, ~~[a conservation area, an economic development area, an enterprise~~
85 ~~zone pursuant to sections 135.200 to 135.256, or a combination thereof,]~~ which area includes
86 only those parcels of real property directly and substantially benefitted by the proposed
87 redevelopment project;

88 ~~[(13)]~~ **(11)** "Redevelopment plan", the comprehensive program of a municipality for
89 redevelopment intended by the payment of redevelopment costs to reduce or eliminate those
90 conditions, the existence of which qualified the redevelopment area as a blighted area,
91 ~~[conservation area, economic development area, or combination thereof,]~~ and to thereby enhance
92 the tax bases of the taxing districts which extend into the redevelopment area. Each
93 redevelopment plan shall conform to the requirements of section 99.810;

94 ~~[(14)]~~ **(12)** "Redevelopment project", any development project within a redevelopment
95 area in furtherance of the objectives of the redevelopment plan; any such redevelopment project
96 shall include a legal description of the area selected for the redevelopment project;

97 ~~[(15)]~~ **(13)** "Redevelopment project costs" include the sum total of all reasonable or
98 necessary costs incurred or estimated to be incurred, and any such costs incidental to a
99 redevelopment plan or redevelopment project, as applicable. Such costs include, but are not
100 limited to, the following:

101 (a) Costs of studies, surveys, plans, and specifications;

102 (b) Professional service costs, including, but not limited to, architectural, engineering,
103 legal, marketing, financial, planning or special services. Except the reasonable costs incurred
104 by the commission established in section 99.820 for the administration of sections 99.800 to
105 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be
106 included in the costs of a redevelopment plan or project;

107 (c) Property assembly costs, including, but not limited to:

108 a. Acquisition of land and other property, real or personal, or rights or interests therein;

109 b. Demolition of buildings; and

- 110 c. The clearing and grading of land;
- 111 (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings
- 112 and fixtures;
- 113 (e) ~~Initial costs for an economic development area;~~
- 114 ~~—(f) Costs of construction of public works or improvements;~~
- 115 ~~(g)~~ (f) Financing costs, including, but not limited to, all necessary and incidental
- 116 expenses related to the issuance of obligations, and which may include payment of interest on
- 117 any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period
- 118 of construction of any redevelopment project for which such obligations are issued and for not
- 119 more than eighteen months thereafter, and including reasonable reserves related thereto;
- 120 ~~(h)~~ (g) All or a portion of a taxing district's capital costs resulting from the
- 121 redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of
- 122 the redevelopment plan and project, to the extent the municipality by written agreement accepts
- 123 and approves such costs;
- 124 ~~(i)~~ (h) Relocation costs to the extent that a municipality determines that relocation
- 125 costs shall be paid or are required to be paid by federal or state law;
- 126 ~~(j)~~ (i) Payments in lieu of taxes;
- 127 ~~(16)~~ (14) "Special allocation fund", the fund of a municipality or its commission which
- 128 contains at least two separate segregated accounts for each redevelopment plan, maintained by
- 129 the treasurer of the municipality or the treasurer of the commission into which payments in lieu
- 130 of taxes are deposited in one account, and economic activity taxes and other revenues are
- 131 deposited in the other account;
- 132 ~~(17)~~ (15) "Taxing districts", any political subdivision of this state having the power
- 133 to levy taxes;
- 134 ~~(18)~~ (16) "Taxing districts' capital costs", those costs of taxing districts for capital
- 135 improvements that are found by the municipal governing bodies to be necessary and to directly
- 136 result from the redevelopment project; and
- 137 ~~(19)~~ (17) "Vacant land", any parcel or combination of parcels of real property not used
- 138 for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of

2 the program to be undertaken to accomplish the objectives and shall include, but need not be

3 limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the

4 costs, evidence of the commitments to finance the project costs, the anticipated type and term

5 of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued,

6 the most recent equalized assessed valuation of the property within the redevelopment area

7 which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to

8 section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the
9 general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted
10 by a municipality without findings that:

11 (1) The redevelopment area on the whole is a blighted area~~], a conservation area, or an~~
12 ~~economic development area,~~ and has not been subject to growth and development through
13 investment by private enterprise and would not reasonably be anticipated to be developed
14 without the adoption of tax increment financing. Such a finding shall include, but not be limited
15 to, a **study conducted by a third party which includes a** detailed description of the factors that
16 qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed
17 by the developer or developers and submitted with the redevelopment plan, attesting that the
18 provisions of this subdivision have been met;

19 (2) The redevelopment plan conforms to the comprehensive plan for the development
20 of the municipality as a whole;

21 (3) The estimated dates, which shall not be more than twenty-three years from the
22 adoption of the ordinance approving a redevelopment project within a redevelopment area, of
23 completion of any redevelopment project and retirement of obligations incurred to finance
24 redevelopment project costs have been stated, provided that no ordinance approving a
25 redevelopment project shall be adopted later than ten years from the adoption of the ordinance
26 approving the redevelopment plan under which such project is authorized and provided that no
27 property for a redevelopment project shall be acquired by eminent domain later than five years
28 from the adoption of the ordinance approving such redevelopment project;

29 (4) A plan has been developed for relocation assistance for businesses and residences;

30 (5) A cost-benefit analysis showing the economic impact of the plan on each taxing
31 district which is at least partially within the boundaries of the redevelopment area. The analysis
32 shall show the impact on the economy if the project is not built, and is built pursuant to the
33 redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact
34 study on every affected political subdivision, and sufficient information from the developer for
35 the commission established in section 99.820 to evaluate whether the project as proposed is
36 financially feasible;

37 (6) A finding that the plan does not include the initial development or redevelopment of
38 any gambling establishment, provided however, that this subdivision shall be applicable only to
39 a redevelopment plan adopted for a redevelopment area designated by ordinance after December
40 23, 1997.

41 2. By the last day of February each year, each commission shall report to the director of
42 economic development the name, address, phone number and primary line of business of any
43 business which relocates to the district. The director of the department of economic development

44 shall compile and report the same to the governor, the speaker of the house and the president pro
45 tempore of the senate on the last day of April each year.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a
2 redevelopment area, or approving a redevelopment plan or redevelopment project, the
3 commission shall fix a time and place for a public hearing as required in subsection 4 of section
4 99.820 and notify each taxing district located wholly or partially within the boundaries of the
5 proposed redevelopment area, plan or project. At the public hearing any interested person or
6 affected taxing district may file with the commission written objections to, or comments on, and
7 may be heard orally in respect to, any issues embodied in the notice. The commission shall hear
8 and consider all protests, objections, comments and other evidence presented at the hearing. The
9 hearing may be continued to another date without further notice other than a motion to be entered
10 upon the minutes fixing the time and place of the subsequent hearing; provided, if the
11 commission is created under subsection 3 of section 99.820, the hearing shall not be continued
12 for more than thirty days beyond the date on which it is originally opened unless such longer
13 period is requested by the chief elected official of the municipality creating the commission and
14 approved by a majority of the commission. Prior to the conclusion of the hearing, changes may
15 be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that
16 each affected taxing district is given written notice of such changes at least seven days prior to
17 the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance
18 approving a redevelopment plan or redevelopment project, or designating a redevelopment area,
19 changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas
20 without a further hearing, if such changes do not enlarge the exterior boundaries of the
21 redevelopment area or areas, and do not substantially affect the general land uses established in
22 the redevelopment plan or substantially change the nature of the redevelopment projects,
23 provided that notice of such changes shall be given by mail to each affected taxing district and
24 by publication in a newspaper of general circulation in the area of the proposed redevelopment
25 not less than ten days prior to the adoption of the changes by ordinance. After the adoption of
26 an ordinance approving a redevelopment plan or redevelopment project, or designating a
27 redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the
28 general land uses established pursuant to the redevelopment plan or changing the nature of the
29 redevelopment project without complying with the procedures provided in this section pertaining
30 to the initial approval of a redevelopment plan or redevelopment project and designation of a
31 redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or
32 redevelopment plan may be held simultaneously.

33 2. If, after concluding the hearing required under this section, the commission makes a
34 recommendation under section 99.820 in opposition to a proposed redevelopment plan,

35 redevelopment project, or designation of a redevelopment area, or any amendments thereto, a
36 municipality desiring to approve such project, plan, designation, or amendments shall do so only
37 upon a two-thirds majority vote of the governing body of such municipality. For plans, projects,
38 designations, or amendments approved by a municipality over the recommendation in opposition
39 by the commission formed under subsection 3 of section 99.820, the economic activity taxes and
40 payments in lieu of taxes generated by such plan, project, designation, or amendment shall be
41 restricted to paying only those redevelopment project costs contained in subparagraphs b. and
42 c. of paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.

43 ~~[3.—Tax incremental financing projects within an economic development area shall apply~~
44 ~~to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers,~~
45 ~~traffic control systems and devices, water distribution and supply systems, curbing, sidewalks~~
46 ~~and any other similar public improvements, but in no case shall it include buildings.]~~

99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no
2 new tax increment financing project shall be authorized in any greenfield area, as such term is
3 defined in section 99.805 ~~[, that is located within a city not within a county or any county subject~~
4 ~~to the authority of the East-West Gateway Council of Governments. Municipalities not subject~~
5 ~~to the authority of the East-West Gateway Council of Governments may authorize tax increment~~
6 ~~finance projects in greenfield areas].~~

105.145. 1. The following definitions shall be applied to the terms used in this section:

2 (1) "Governing body", the board, body, or persons in which the powers of a political
3 subdivision as a body corporate, or otherwise, are vested;

4 (2) "Political subdivision", any agency or unit of this state, except counties and school
5 districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause
6 taxes to be levied.

7 2. The governing body of each political subdivision in the state shall cause to be
8 prepared an annual report of the financial transactions of the political subdivision in such
9 summary form as the state auditor shall prescribe by rule, except that the annual report of
10 political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less
11 shall only be required to contain the cash balance at the beginning of the reporting period, a
12 summary of cash receipts, a summary of cash disbursements and the cash balance at the end of
13 the reporting period.

14 3. Within such time following the end of the fiscal year as the state auditor shall
15 prescribe by rule, the governing body of each political subdivision shall cause a copy of the
16 annual financial report to be remitted to the state auditor.

17 4. The state auditor shall immediately on receipt of each financial report acknowledge
18 the receipt of the report.

19 5. In any fiscal year no member of the governing body of any political subdivision of the
20 state shall receive any compensation or payment of expenses after the end of the time within
21 which the financial statement of the political subdivision is required to be filed with the state
22 auditor and until such time as the notice from the state auditor of the filing of the annual financial
23 report for the fiscal year has been received.

24 6. The state auditor shall prepare sample forms for financial reports and shall mail the
25 same to the political subdivisions of the state. Failure of the auditor to supply such forms shall
26 not in any way excuse any person from the performance of any duty imposed by this section.

27 7. All reports or financial statements herein above mentioned shall be considered to be
28 public records.

29 8. The provisions of this section apply to the board of directors of every transportation
30 development district organized under sections 238.200 to 238.275.

31 9. Any political subdivision that fails to timely submit a copy of the annual financial
32 statement to the state auditor shall be subject to a fine of five hundred dollars per day.

33 10. The state auditor shall report any violation of subsection 9 of this section to the
34 department of revenue. Upon notification from the state auditor's office that a political
35 subdivision failed to timely submit a copy of the annual financial statement, the department of
36 revenue shall notify such political subdivision by certified mail that the statement has not been
37 received. Such notice shall clearly set forth the following:

38 (1) The name of the political subdivision;

39 (2) That the political subdivision shall be subject to a fine of five hundred dollars per day
40 if the political subdivision does not submit a copy of the annual financial statement to the state
41 auditor's office within thirty days from the postmarked date stamped on the certified mail
42 envelope;

43 (3) That the fine will be enforced and collected as provided under subsection 11 of this
44 section; and

45 (4) That the fine will begin accruing on the thirty-first day from the postmarked date
46 stamped on the certified mail envelope and will continue to accrue until the state auditor's office
47 receives a copy of the financial statement.

48 In the event a copy of the annual financial statement is received within such thirty-day period,
49 no fine shall accrue or be imposed. The state auditor shall report receipt of the financial
50 statement to the department of revenue within ten business days. Failure of the political
51 subdivision to submit the required annual financial statement within such thirty-day period shall
52 cause the fine to be collected as provided under subsection 11 of this section.

53 11. The department of revenue may collect the fine authorized under the provisions of
54 subsection 9 of this section by offsetting any sales or use tax distributions due to the political

55 subdivision. The director of revenue shall retain two percent for the cost of such collection. The
56 remaining revenues collected from such violations shall be distributed annually to the schools
57 of the county in the same manner that proceeds for all penalties, forfeitures, and fines collected
58 for any breach of the penal laws of the state are distributed.

59 12. Any [~~transportation development district organized under sections 238.200 to~~
60 ~~238.275 having~~] **political subdivision that has** gross revenues of less than five thousand dollars
61 **or that has not levied or collected sales or use taxes** in the fiscal year for which the annual
62 financial statement was not timely filed shall not be subject to the fine authorized in this section.

63 13. **If a failure to timely submit the annual financial statement is the result of fraud**
64 **or other illegal conduct by an employee or officer of the political subdivision, the failure**
65 **shall not be subject to a fine authorized under this section if the statement is filed within**
66 **thirty days of the discovery of the fraud or illegal conduct. If a fine is assessed and paid**
67 **prior to the filing of the statement, the department of revenue shall refund the fine upon**
68 **notification from the political subdivision.**

69 14. **If a political subdivision has an outstanding balance for fines or penalties at the**
70 **time it files its first annual financial statement after January 1, 2021, the director of**
71 **revenue shall make a one-time downward adjustment to such outstanding balance in an**
72 **amount that reduces the outstanding balance by ninety percent.**

73 15. **The director of revenue shall have the authority to make a one-time downward**
74 **adjustment to any outstanding penalty imposed under this section on a political subdivision**
75 **if the director determines the fine is uncollectible. The director of revenue may prescribe**
76 **rules and regulations necessary to carry out the provisions of this subsection. Any rule or**
77 **portion of a rule, as that term is defined in section 536.010, that is created under the**
78 **authority delegated in this section shall become effective only if it complies with and is**
79 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
80 **section and chapter 536 are nonseverable, and if any of the powers vested with the general**
81 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
82 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
83 **authority and any rule proposed or adopted after August 28, 2020, shall be invalid and**
84 **void.**

85 16. **If a political subdivision with an outstanding balance for fines or penalties:**

86 (1) **Fails to file an annual financial statement after August 28, 2020, and before**
87 **January 1, 2021; or**

88 (2) **Files an annual financial statement after August 28, 2020, and before January**
89 **1, 2021, but fails to file any annual financial statement thereafter,**

90 then the director of revenue shall initiate the process to disincorporate the political
91 subdivision as provided in this section.

92 17. If any resident of a political subdivision believes or knows that the political
93 subdivision has failed to file the annual financial report required under subsection 2 of this
94 section, the resident may file an affidavit with the director of revenue that attests to the
95 alleged failure. The director of revenue shall evaluate the allegation and, if true, notify the
96 political subdivision and any municipality or county encompassing the political subdivision
97 by both certified mail and first-class mail that the political subdivision has ninety days to
98 comply with subsection 2 of this section. If the political subdivision has not complied after
99 ninety days, the director of revenue shall initiate the process to disincorporate the political
100 subdivision as provided in this section.

101 18. (1) The question of whether a political subdivision subject to possible
102 disincorporation under subsection 16 or 17 of this section shall be disincorporated shall be
103 submitted to the voters of the political subdivision. The election upon the question shall
104 be held on the next general election day.

105 (2) No later than five o'clock p.m. on the tenth Tuesday prior to the election, the
106 director of revenue shall notify the election authorities responsible for conducting the
107 election according to the provisions of section 115.125 and the county governing body in
108 which the political subdivision is located.

109 (3) The election authority shall give notice of the election for eight consecutive
110 weeks prior to the election by publication in a newspaper of general circulation published
111 in the political subdivision or, if there is no such newspaper in the political subdivision, in
112 the newspaper in the county published nearest the political subdivision.

113 (4) Any costs of submitting the question shall be paid by the political subdivision.

114 (5) The question shall be submitted to the voters of such city, town, or village in
115 substantially the following form:

116 The political subdivision of _____ (has an outstanding balance for
117 fines or penalties and) has failed to file an annual financial statement, as
118 required by law. Shall the political subdivision of _____ be
119 disincorporated?

120 YES NO

121 Upon the affirmative vote of a majority of the qualified voters voting on the question, the
122 director of revenue shall file an action to disincorporate the political subdivision in the
123 circuit court with jurisdiction over the political subdivision.

124 19. In an action to disincorporate a political subdivision, the circuit court shall
125 order:

126 **(1) The appointment of an administrative authority for the political subdivision,**
127 **which may be another political subdivision, the state, a qualified private party, or other**
128 **qualified entity;**

129 **(2) All financial and other institutions holding funds of the political subdivision, as**
130 **identified by the director of revenue, to honor the directives of the administrative**
131 **authority;**

132 **(3) The director of revenue or other party charged with distributing tax revenue**
133 **to distribute the revenues and funds of the political subdivision to the administrative**
134 **authority; and**

135 **(4) The disincorporation of the political subdivision and the effective date of the**
136 **disincorporation, taking into consideration a reasonable transition period.**

137 **The administrative authority shall administer all revenues under the name of the political**
138 **subdivision or its agents and administer all funds collected on behalf of the political**
139 **subdivision. The administrative authority shall use the revenues and existing funds to pay**
140 **all debts and obligations of the political subdivision other than the penalties accrued under**
141 **this section. The circuit court shall have ongoing jurisdiction to enforce its orders and**
142 **carry out the remedies under this subsection.**

143 **20. The attorney general shall have the authority to file an action in a court of**
144 **competent jurisdiction against any political subdivision that fails to comply with this**
145 **section in order to force the political subdivision into compliance.**

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes
2 otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive
3 to produce processed wood products in a qualified wood-producing facility using Missouri forest
4 product residue. The tax credit to the wood energy producer shall be five dollars per ton of
5 processed material. The credit may be claimed for a period of five years and is to be a tax credit
6 against the tax otherwise due. No new tax credits, provided for under sections 135.300 to
7 135.311, shall be authorized after June 30, ~~2020~~ **2026**. In no event shall the aggregate amount
8 of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any
9 given fiscal year. There shall be no tax credits authorized under sections 135.300 to 135.311
10 unless an appropriation is made for such tax credits.

135.550. 1. As used in this section, the following terms shall mean:

2 (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or
3 real property;

4 (2) "**Rape crisis center**", a community-based nonprofit rape crisis center, as defined
5 **in section 455.003, located in this state and that provides the twenty-four hour core services**
6 **of hospital advocacy and crisis hotline support to survivors of rape and sexual assault;**

7 (3) "Shelter for victims of domestic violence", a facility located in this state which meets
8 the definition of a shelter for victims of domestic violence pursuant to section 455.200 and which
9 meets the requirements of section 455.220, **or a nonprofit organization established and**
10 **operating exclusively for the purpose of supporting a shelter for victims of domestic**
11 **violence operated by the state or one of its political subdivisions;**

12 ~~[(3)]~~ (4) "State tax liability", in the case of a business taxpayer, any liability incurred by
13 such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter
14 153, exclusive of the provisions relating to the withholding of tax as provided for in sections
15 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability
16 incurred by such taxpayer pursuant to the provisions of chapter 143;

17 ~~[(4)]~~ (5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in
18 an S corporation doing business in the state of Missouri and subject to the state income tax
19 imposed by the provisions of chapter 143, or a corporation subject to the annual corporation
20 franchise tax imposed by the provisions of chapter 147, including any charitable organization
21 which is exempt from federal income tax and whose Missouri unrelated business taxable income,
22 if any, would be subject to the state income tax imposed under chapter 143, or an insurance
23 company paying an annual tax on its gross premium receipts in this state, or other financial
24 institution paying taxes to the state of Missouri or any political subdivision of this state pursuant
25 to the provisions of chapter 148, or an express company which pays an annual tax on its gross
26 receipts in this state pursuant to chapter 153, or an individual subject to the state income tax
27 imposed by the provisions of chapter 143.

28 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax
29 liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter
30 for victims of domestic violence **or rape crisis center for all fiscal years ending on or before**
31 **June 30, 2021, and seventy percent of the amount such taxpayer contributed to a shelter**
32 **for victims of domestic violence or rape crisis center for all fiscal years beginning on or**
33 **after July 1, 2021.**

34 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
35 state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be
36 allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any
37 tax credit that cannot be claimed in the taxable year the contribution was made may be carried
38 over to the next four succeeding taxable years until the full credit has been claimed.

39 4. Except for any excess credit which is carried over pursuant to subsection 3 of this
40 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
41 taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence
42 **or rape crisis center** in such taxpayer's taxable year has a value of at least one hundred dollars.

43 5. The director of the department of social services shall determine, at least annually,
44 which facilities in this state may be classified as shelters for victims of domestic violence **and**
45 **rape crisis centers**. The director of the department of social services may require of a facility
46 seeking to be classified as a shelter for victims of domestic violence **or rape crisis center**
47 whatever information is reasonably necessary to make such a determination. The director of the
48 department of social services shall classify a facility as a shelter for victims of domestic violence
49 **or rape crisis center** if such facility meets the definition set forth in subsection 1 of this section.

50 6. The director of the department of social services shall establish a procedure by which
51 a taxpayer can determine if a facility has been classified as a shelter for victims of domestic
52 violence **or rape crisis center**, and by which such taxpayer can then contribute to such shelter
53 for victims of domestic violence **or rape crisis center** and claim a tax credit. Shelters for
54 victims of domestic violence **and rape crisis centers** shall be permitted to decline a contribution
55 from a taxpayer. The cumulative amount of tax credits which may be claimed by all the
56 taxpayers contributing to shelters for victims of domestic violence **and rape crisis centers** in
57 any one fiscal year shall not exceed two million dollars **for all fiscal years ending on or before**
58 **June 30, 2021. For all fiscal years beginning on or after July 1, 2021, the cumulative**
59 **amount of tax credits which may be claimed by all the taxpayers contributing to shelters**
60 **for victims of domestic violence and rape crisis centers in any one fiscal year shall not**
61 **exceed four million dollars.**

62 7. **For all fiscal years ending on or before June 30, 2021**, the director of the
63 department of social services shall establish a procedure by which, from the beginning of the
64 fiscal year until some point in time later in the fiscal year to be determined by the director of the
65 department of social services, the cumulative amount of tax credits are equally apportioned
66 among all facilities classified as shelters for victims of domestic violence **and rape crisis**
67 **centers**. If a shelter for victims of domestic violence **or rape crisis center** fails to use all, or
68 some percentage to be determined by the director of the department of social services, of its
69 apportioned tax credits during this predetermined period of time, the director of the department
70 of social services may reapportion these unused tax credits to those shelters for victims of
71 domestic violence **and rape crisis centers** that have used all, or some percentage to be
72 determined by the director of the department of social services, of their apportioned tax credits
73 during this predetermined period of time. The director of the department of social services may
74 establish more than one period of time and reapportion more than once during each fiscal year.
75 To the maximum extent possible, the director of the department of social services shall establish
76 the procedure described in this subsection in such a manner as to ensure that taxpayers can claim
77 all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

78 8. This section shall become effective January 1, 2000, and shall apply to all tax years
79 after December 31, 1999.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's
2 deputies in all counties of this state including the City of St. Louis shall annually make a list of
3 all real and tangible personal property taxable in the assessor's city, county, town or district.
4 Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor
5 shall annually assess all personal property at thirty-three and one-third percent of its true value
6 in money as of January first of each calendar year. The assessor shall annually assess all real
7 property, including any new construction and improvements to real property, and possessory
8 interests in real property at the percent of its true value in money set in subsection 5 of this
9 section. The true value in money of any possessory interest in real property in subclass (3),
10 where such real property is on or lies within the ultimate airport boundary as shown by a federal
11 airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139
12 certification and owned by a political subdivision, shall be the otherwise applicable true value
13 in money of any such possessory interest in real property, less the total dollar amount of costs
14 paid by a party, other than the political subdivision, towards any new construction or
15 improvements on such real property completed after January 1, 2008, and which are included in
16 the above-mentioned possessory interest, regardless of the year in which such costs were incurred
17 or whether such costs were considered in any prior year. The assessor shall annually assess all
18 real property in the following manner: new assessed values shall be determined as of January
19 first of each odd-numbered year and shall be entered in the assessor's books; those same assessed
20 values shall apply in the following even-numbered year, except for new construction and
21 property improvements which shall be valued as though they had been completed as of January
22 first of the preceding odd-numbered year. The assessor may call at the office, place of doing
23 business, or residence of each person required by this chapter to list property, and require the
24 person to make a correct statement of all taxable tangible personal property owned by the person
25 or under his or her care, charge or management, taxable in the county. On or before January first
26 of each even-numbered year, the assessor shall prepare and submit a two-year assessment
27 maintenance plan to the county governing body and the state tax commission for their respective
28 approval or modification. The county governing body shall approve and forward such plan or
29 its alternative to the plan to the state tax commission by February first. If the county governing
30 body fails to forward the plan or its alternative to the plan to the state tax commission by
31 February first, the assessor's plan shall be considered approved by the county governing body.
32 If the state tax commission fails to approve a plan and if the state tax commission and the
33 assessor and the governing body of the county involved are unable to resolve the differences, in
34 order to receive state cost-share funds outlined in section 137.750, the county or the assessor

35 shall petition the administrative hearing commission, by May first, to decide all matters in
36 dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter
37 may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by
38 the parties. The final decision of the administrative hearing commission shall be subject to
39 judicial review in the circuit court of the county involved. In the event a valuation of subclass
40 (1) real property within any county with a charter form of government, or within a city not within
41 a county, is made by a computer, computer-assisted method or a computer program, the burden
42 of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be
43 on the assessor at any hearing or appeal. In any such county, unless the assessor proves
44 otherwise, there shall be a presumption that the assessment was made by a computer,
45 computer-assisted method or a computer program. Such evidence shall include, but shall not be
46 limited to, the following:

47 (1) The findings of the assessor based on an appraisal of the property by generally
48 accepted appraisal techniques; and

49 (2) The purchase prices from sales of at least three comparable properties and the address
50 or location thereof. As used in this subdivision, the word "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the disputed property,
53 except where no similar properties exist within one mile of the disputed property, the nearest
54 comparable property shall be used. Such property shall be within five hundred square feet in size
55 of the disputed property, and resemble the disputed property in age, floor plan, number of rooms,
56 and other relevant characteristics.

57 2. Assessors in each county of this state and the City of St. Louis may send personal
58 property assessment forms through the mail.

59 3. The following items of personal property shall each constitute separate subclasses of
60 tangible personal property and shall be assessed and valued for the purposes of taxation at the
61 following percentages of their true value in money:

62 (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one
63 percent;

64 (2) Livestock, twelve percent;

65 (3) Farm machinery, twelve percent;

66 (4) Motor vehicles which are eligible for registration as and are registered as historic
67 motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old
68 and which are used solely for noncommercial purposes and are operated less than fifty hours per
69 year or aircraft that are home built from a kit, five percent;

70 (5) Poultry, twelve percent; and

71 (6) Tools and equipment used for pollution control and tools and equipment used in
72 retooling for the purpose of introducing new product lines or used for making improvements to
73 existing products by any company which is located in a state enterprise zone and which is
74 identified by any standard industrial classification number cited in subdivision [~~(5)~~] (7) of section
75 135.200, twenty-five percent.

76 4. The person listing the property shall enter a true and correct statement of the property,
77 in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed
78 and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered
79 to the assessor.

80 5. (1) All subclasses of real property, as such subclasses are established in Section 4(b)
81 of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the
82 following percentages of true value:

83 (a) For real property in subclass (1), nineteen percent;

84 (b) For real property in subclass (2), twelve percent; and

85 (c) For real property in subclass (3), thirty-two percent.

86 (2) A taxpayer may apply to the county assessor, or, if not located within a county, then
87 the assessor of such city, for the reclassification of such taxpayer's real property if the use or
88 purpose of such real property is changed after such property is assessed under the provisions of
89 this chapter. If the assessor determines that such property shall be reclassified, he or she shall
90 determine the assessment under this subsection based on the percentage of the tax year that such
91 property was classified in each subclassification.

92 6. Manufactured homes, as defined in section 700.010, which are actually used as
93 dwelling units shall be assessed at the same percentage of true value as residential real property
94 for the purpose of taxation. The percentage of assessment of true value for such manufactured
95 homes shall be the same as for residential real property. If the county collector cannot identify
96 or find the manufactured home when attempting to attach the manufactured home for payment
97 of taxes owed by the manufactured home owner, the county collector may request the county
98 commission to have the manufactured home removed from the tax books, and such request shall
99 be granted within thirty days after the request is made; however, the removal from the tax books
100 does not remove the tax lien on the manufactured home if it is later identified or found. For
101 purposes of this section, a manufactured home located in a manufactured home rental park, rental
102 community or on real estate not owned by the manufactured home owner shall be considered
103 personal property. For purposes of this section, a manufactured home located on real estate
104 owned by the manufactured home owner may be considered real property.

105 7. Each manufactured home assessed shall be considered a parcel for the purpose of
106 reimbursement pursuant to section 137.750, unless the manufactured home is real estate as

107 defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing
108 real estate parcel.

109 8. Any amount of tax due and owing based on the assessment of a manufactured home
110 shall be included on the personal property tax statement of the manufactured home owner unless
111 the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case
112 the amount of tax due and owing on the assessment of the manufactured home as a realty
113 improvement to the existing real estate parcel shall be included on the real property tax statement
114 of the real estate owner.

115 9. The assessor of each county and each city not within a county shall use the trade-in
116 value published in the October issue of the National Automobile Dealers' Association Official
117 Used Car Guide, or its successor publication, as the recommended guide of information for
118 determining the true value of motor vehicles described in such publication. The assessor shall
119 not use a value that is greater than the average trade-in value in determining the true value of the
120 motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two
121 years old or newer from a vehicle's model year, the assessor may use a value other than average
122 without performing a physical inspection of the motor vehicle. In the absence of a listing for a
123 particular motor vehicle in such publication, the assessor shall use such information or
124 publications which in the assessor's judgment will fairly estimate the true value in money of the
125 motor vehicle.

126 10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)
127 real property by more than fifteen percent since the last assessment, excluding increases due to
128 new construction or improvements, the assessor shall conduct a physical inspection of such
129 property.

130 11. If a physical inspection is required, pursuant to subsection 10 of this section, the
131 assessor shall notify the property owner of that fact in writing and shall provide the owner clear
132 written notice of the owner's rights relating to the physical inspection. If a physical inspection
133 is required, the property owner may request that an interior inspection be performed during the
134 physical inspection. The owner shall have no less than thirty days to notify the assessor of a
135 request for an interior physical inspection.

136 12. A physical inspection, as required by subsection 10 of this section, shall include, but
137 not be limited to, an on-site personal observation and review of all exterior portions of the land
138 and any buildings and improvements to which the inspector has or may reasonably and lawfully
139 gain external access, and shall include an observation and review of the interior of any buildings
140 or improvements on the property upon the timely request of the owner pursuant to subsection 11
141 of this section. Mere observation of the property via a drive-by inspection or the like shall not
142 be considered sufficient to constitute a physical inspection as required by this section.

143 13. ~~[The provisions of subsections 11 and 12 of this section shall only apply in any~~
144 ~~county with a charter form of government with more than one million inhabitants.~~

145 ~~14.]~~ A county or city collector may accept credit cards as proper form of payment of
146 outstanding property tax or license due. No county or city collector may charge surcharge for
147 payment by credit card which exceeds the fee or surcharge charged by the credit card bank,
148 processor, or issuer for its service. A county or city collector may accept payment by electronic
149 transfers of funds in payment of any tax or license and charge the person making such payment
150 a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic
151 payment.

152 ~~[15.]~~ **14.** Any county or city not within a county in this state may, by an affirmative vote
153 of the governing body of such county, opt out of the provisions of this section and sections
154 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general
155 assembly, second regular session and section 137.073 as modified by house committee substitute
156 for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general
157 assembly, second regular session, for the next year of the general reassessment, prior to January
158 first of any year. No county or city not within a county shall exercise this opt-out provision after
159 implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as
160 enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and
161 section 137.073 as modified by house committee substitute for senate substitute for senate
162 committee substitute for senate bill no. 960, ninety-second general assembly, second regular
163 session, in a year of general reassessment. For the purposes of applying the provisions of this
164 subsection, a political subdivision contained within two or more counties where at least one of
165 such counties has opted out and at least one of such counties has not opted out shall calculate a
166 single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general
167 assembly, second regular session. A governing body of a city not within a county or a county
168 that has opted out under the provisions of this subsection may choose to implement the
169 provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill
170 no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as
171 modified by house committee substitute for senate substitute for senate committee substitute for
172 senate bill no. 960, ninety-second general assembly, second regular session, for the next year of
173 general reassessment, by an affirmative vote of the governing body prior to December thirty-first
174 of any year.

175 ~~[16.]~~ **15.** The governing body of any city of the third classification with more than
176 twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants
177 located in any county that has exercised its authority to opt out under subsection ~~[15]~~ **14** of this
178 section may levy separate and differing tax rates for real and personal property only if such city

179 bills and collects its own property taxes or satisfies the entire cost of the billing and collection
180 of such separate and differing tax rates. Such separate and differing rates shall not exceed such
181 city's tax rate ceiling.

182 ~~[17.]~~ **16.** Any portion of real property that is available as reserve for strip, surface, or
183 coal mining for minerals for purposes of excavation for future use or sale to others that has not
184 been bonded and permitted under chapter 444 shall be assessed based upon how the real property
185 is currently being used. Any information provided to a county assessor, state tax commission,
186 state agency, or political subdivision responsible for the administration of tax policies shall, in
187 the performance of its duties, make available all books, records, and information requested,
188 except such books, records, and information as are by law declared confidential in nature,
189 including individually identifiable information regarding a specific taxpayer or taxpayer's mine
190 property. For purposes of this subsection, "mine property" shall mean all real property that is in
191 use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes
192 of excavation for current or future use or sale to others that has been bonded and permitted under
193 chapter 444.

137.180. 1. Whenever any assessor shall increase the valuation of any real property he
2 shall forthwith notify the record owner of such increase, either in person, or by mail directed to
3 the last known address; every such increase in assessed valuation made by the assessor shall be
4 subject to review by the county board of equalization whereat the landowner shall be entitled to
5 be heard, and the notice to the landowner shall so state.

6 2. Effective January 1, 2009, for all counties with a charter form of government, other
7 than any county adopting a charter form of government after January 1, 2008, whenever any
8 assessor shall increase the valuation of any real property, he or she shall forthwith notify the
9 record owner on or before June ~~fifteenth~~ **first** of such increase and, in a year of general
10 reassessment, the county shall notify the record owner of the projected tax liability likely to result
11 from such an increase, either in person, or by mail directed to the last known address; every such
12 increase in assessed valuation made by the assessor shall be subject to review by the county
13 board of equalization whereat the landowner shall be entitled to be heard, and the notice to the
14 landowner shall so state. Notice of the projected tax liability from the county shall accompany
15 the notice of increased valuation from the assessor.

16 3. For all calendar years prior to the first day of January of the year following receipt of
17 software necessary for the implementation of the requirements provided under subsections 4 and
18 5 of this section from the state tax commission, for any county not subject to the provisions of
19 subsection 2 of this section or subsection 2 of section 137.355, whenever any assessor shall
20 increase the valuation of any real property, he or she shall forthwith notify the record owner on
21 or before June ~~fifteenth~~ **first** of the previous assessed value and such increase either in person,

22 or by mail directed to the last known address and include in such notice a statement indicating
23 that the change in assessed value may impact the record owner's tax liability and provide all
24 processes and deadlines for appealing determinations of the assessed value of such property.
25 Such notice shall be provided in a font and format sufficient to alert a record owner of the
26 potential impact upon tax liability and the appellate processes available.

27 4. Effective January first of the year following receipt of software necessary for the
28 implementation of the requirements provided under this subsection and subsection 5 of this
29 section from the state tax commission, for all counties not subject to the provisions of subsection
30 2 of this section or subsection 2 of section 137.355, whenever any assessor shall increase the
31 valuation of any real property, he or she shall forthwith notify the record owner on or before June
32 ~~fifteenth~~ **first** of such increase and, in a year of general reassessment, the county shall notify
33 the record owner of the projected tax liability likely to result from such an increase, either in
34 person, or by mail directed to the last known address; every such increase in assessed valuation
35 made by the assessor shall be subject to review by the county board of equalization whereat the
36 landowner shall be entitled to be heard, and the notice to the landowner shall so state. Notice
37 of the projected tax liability from the county shall accompany the notice of increased valuation
38 from the assessor.

39 5. The notice of projected tax liability, required under subsections 2 and 4 of this section,
40 from the county shall include:

41 (1) The record owner's name, address, and the parcel number of the property;

42 (2) A list of all political subdivisions levying a tax upon the property of the record
43 owner;

44 (3) The projected tax rate for each political subdivision levying a tax upon the property
45 of the record owner, and the purpose for each levy of such political subdivisions;

46 (4) The previous year's tax rates for each individual tax levy imposed by each political
47 subdivision levying a tax upon the property of the record owner;

48 (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax
49 upon the property of the record owner;

50 (6) The contact information for each political subdivision levying a tax upon the property
51 of the record owner;

52 (7) A statement identifying any projected tax rates for political subdivisions levying a
53 tax upon the property of the record owner, which were not calculated and provided by the
54 political subdivision levying the tax; and

55 (8) The total projected property tax liability of the taxpayer.

56 6. In addition to the requirements provided under subsections 1, 2, and 5 of this section,
57 effective January 1, 2011, in any county with a charter form of government and with more than

58 one million inhabitants, whenever any assessor shall notify a record owner of any change in
 59 assessed value, such assessor shall provide notice that information regarding the assessment
 60 method and computation of value for such property is available on the assessor's website and
 61 provide the exact website address at which such information may be accessed. Such notification
 62 shall provide the assessor's contact information to enable taxpayers without internet access to
 63 request and receive information regarding the assessment method and computation of value for
 64 such property. **Beginning January 1, 2021, such notice shall also include, in the case of a**
 65 **property valued using sales of comparable properties, a list of such comparable properties**
 66 **and the address or location and purchase prices from sales thereof that the assessor used**
 67 **in determining the assessed valuation of the owner's property. As used in this subsection,**
 68 **the word "comparable" means that:**

- 69 **(1) Such sale was closed at a date relevant to the property valuation; and**
 70 **(2) Such properties are not more than one mile from the site of the disputed**
 71 **property, except where no similar properties exist within one mile of the disputed property,**
 72 **the nearest comparable property shall be used. Such property shall be within five hundred**
 73 **square feet in size of the disputed property, and resemble the disputed property in age,**
 74 **floor plan, number of rooms, and other relevant characteristics.**

137.275. Every person who thinks himself aggrieved by the assessment of his property
 2 may appeal to the county board of equalization, in person, by attorney or agent, or in writing.
 3 Such appeals shall be lodged with the county board of equalization on or before the [~~second~~]
 4 **first** Monday in July.

137.355. 1. If an assessor increases the valuation of any tangible personal property as
 2 estimated in the itemized list furnished to the assessor, and if an assessor increases the valuation
 3 of any real property, he shall forthwith notify the record owner of the increase either in person
 4 or by mail directed to the last known address, and if the address of the owner is unknown notice
 5 shall be given by publication in two newspapers published in the county.

2. For all calendar years prior to the first day of January of the year following receipt of
 7 software necessary for the implementation of the requirements provided under subsections 3 and
 8 4 of this section from the state tax commission, whenever any assessor shall increase the
 9 valuation of any real property, he or she shall forthwith notify the record owner on or before June
 10 [~~fifteenth~~] **first** of the previous assessed value and such increase either in person, or by mail
 11 directed to the last known address and include on the face of such notice, in no less than
 12 twelve-point font, the following statement:

13 NOTICE TO TAXPAYER: IF YOUR ASSESSED VALUE HAS INCREASED,
 14 IT MAY INCREASE YOUR REAL PROPERTY TAXES WHICH ARE DUE
 15 DECEMBER THIRTY-FIRST. IF YOU DO NOT AGREE THAT THE VALUE

16 OF YOUR PROPERTY HAS INCREASED, YOU MUST CHALLENGE THE
 17 VALUE ON OR BEFORE _____ (INSERT DATE BY WHICH APPEAL
 18 MUST BE FILED) BY CONTACTING YOUR COUNTY ASSESSOR.

19 3. Effective January first of the year following receipt of software necessary for the
 20 implementation of the requirements provided under this subsection and subsection 4 of this
 21 section from the state tax commission, if an assessor increases the valuation of any real property,
 22 the assessor, on or before June ~~fifteenth~~ **first**, shall notify the record owner of the increase and,
 23 in a year of general reassessment, the county shall notify the record owner of the projected tax
 24 liability likely to result from such an increase either in person or by mail directed to the last
 25 known address, and, if the address of the owner is unknown, notice shall be given by publication
 26 in two newspapers published in the county. Notice of the projected tax liability from the county
 27 shall accompany the notice of increased valuation from the assessor.

28 4. The notice of projected tax liability, required under subsection 3 of this section, from
 29 the county shall include:

30 (1) Record owner's name, address, and the parcel number of the property;

31 (2) A list of all political subdivisions levying a tax upon the property of the record
 32 owner;

33 (3) The projected tax rate for each political subdivision levying a tax upon the property
 34 of the record owner, and the purpose for each levy of such political subdivisions;

35 (4) The previous year's tax rates for each individual tax levy imposed by each political
 36 subdivision levying a tax upon the property of the record owner;

37 (5) The tax rate ceiling for each levy imposed by each political subdivision levying a tax
 38 upon the property of the record owner;

39 (6) The contact information for each political subdivision levying a tax upon the property
 40 of the record owner;

41 (7) A statement identifying any projected tax rates for political subdivisions levying a
 42 tax upon the property of the record owner, which were not calculated and provided by the
 43 political subdivision levying the tax; and

44 (8) The total projected property tax liability of the taxpayer.

137.385. Any person aggrieved by the assessment of his property may appeal to the
 2 county board of equalization. An appeal shall be in writing and the forms to be used for this
 3 purpose shall be furnished by the county clerk. Such appeal shall be lodged with the county clerk
 4 as secretary of the board of equalization before the ~~third~~ **first** Monday in ~~June~~ **July**;
 5 provided, that the board may in its discretion extend the time for filing such appeals.

138.060. 1. **(1)** The county board of equalization shall, in a summary way, determine
 2 all appeals from the valuation of property made by the assessor, and shall correct and adjust the

3 assessment accordingly. There shall be no presumption that the assessor's valuation is correct.
4 In any county with a charter form of government with a population greater than two hundred
5 eighty thousand inhabitants but less than two hundred eighty-five thousand inhabitants, and in
6 any county with a charter form of government with greater than one million inhabitants, and in
7 any city not within a county, the assessor shall have the burden to prove that the assessor's
8 valuation does not exceed the true market value of the subject property. In such county or city,
9 in the event a physical inspection of the subject property is required by subsection 10 of section
10 137.115, the assessor shall have the burden to establish the manner in which the physical
11 inspection was performed and shall have the burden to prove that the physical inspection was
12 performed in accordance with section 137.115. In such county or city, in the event the assessor
13 fails to provide sufficient evidence to establish that the physical inspection was performed in
14 accordance with section 137.115, the property owner shall prevail on the appeal as a matter of
15 law. At any hearing before the state tax commission or a court of competent jurisdiction of an
16 appeal of assessment from a first class charter county or a city not within a county, the assessor
17 shall not advocate nor present evidence advocating a valuation higher than that value finally
18 determined by the assessor or the value determined by the board of equalization, whichever is
19 higher, for that assessment period.

20 **(2) The provisions of subdivision (1) of this subsection shall also apply to appeals**
21 **made in any county not described in subdivision (1) of this subsection for which the**
22 **property subject to appeal experienced an increase in assessed valuation in excess of fifteen**
23 **percent since the previous assessment, excluding increases due to new construction or**
24 **improvements.**

25 2. The county clerk shall keep an accurate record of the proceedings and orders of the
26 board, and the assessor shall correct all erroneous assessments, and the clerk shall adjust the tax
27 book according to the orders of such board and the orders of the state tax commission, except
28 that in adding or deducting such percent to each tract or parcel of real estate as required by such
29 board or state tax commission, he shall add or deduct in each case any fractional sum of less than
30 fifty cents, so that the value of any separate tract shall contain no fractions of a dollar.

138.090. 1. Except as provided in subsection 2 of this section, the county board of
2 equalization in first class counties shall meet on the ~~first~~ **third** Monday in July of each year.

3 2. Upon a finding by the board that it is necessary in order to fairly hear all cases arising
4 from a general reassessment, the board may begin meeting after July first in any applicable year
5 to timely consider any appeal or complaint resulting from an evaluation made during a general
6 reassessment of all taxable real property and possessory interests in the county. There shall be
7 no presumption that the assessor's valuation is correct.

138.434. Any first class charter county or a city not within a county may require by ordinance or charter the reimbursement to a taxpayer for the amount of just and reasonable appraisal costs, attorney fees and court costs resulting from an evidentiary hearing before the state tax commission or a court of competent jurisdiction if such appeal results in a final decision reducing the appraised value of residential property by at least fifteen percent or the appraised value of utility, industrial railroad and other subclass three property by at least twenty-five percent from the appraised value determined by the board of equalization for that tax year. The commission or court awarding such fees and costs shall consider the reasonableness of the fees and costs within the context of the particular case. Such fees and costs shall not exceed one thousand dollars for a residential property appeal. Such fees and costs for utility, industrial railroad or other subclass three property appeals shall not exceed the lesser of four thousand dollars or twenty-five percent of the tax savings resulting from the appeal. **Beginning January 1, 2021, for a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, such fees and costs shall not exceed six thousand dollars for a residential property appeal, and such fees and costs for utility, industrial railroad, or other subclass three property appeals shall not exceed the lesser of ten thousand dollars or twenty-five percent of the tax savings resulting from the appeal.** The provisions of this section shall only apply to the first contested year when cases are tried on a consolidated basis.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. **The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;**

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

19 (3) The amount of any deduction that is included in the computation of federal taxable
20 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job
21 Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to
22 property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount
23 deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168
24 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

25 (4) The amount of any deduction that is included in the computation of federal taxable
26 income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code
27 of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and
28 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating
29 loss the taxpayer claims in the tax year in which the net operating loss occurred or carries
30 forward for a period of more than twenty years and carries backward for more than two years.
31 Any amount of net operating loss taken against federal taxable income but disallowed for
32 Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried
33 forward and taken against any income on the Missouri income tax return for a period of not more
34 than twenty years from the year of the initial loss; and

35 (5) For nonresident individuals in all taxable years ending on or after December 31,
36 2006, the amount of any property taxes paid to another state or a political subdivision of another
37 state for which a deduction was allowed on such nonresident's federal return in the taxable year
38 unless such state, political subdivision of a state, or the District of Columbia allows a subtraction
39 from income for property taxes paid to this state for purposes of calculating income for the
40 income tax for such state, political subdivision of a state, or the District of Columbia;

41 (6) For all tax years beginning on or after January 1, 2018, any interest expense paid or
42 accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as
43 amended, in the current taxable year by reason of the carryforward of disallowed business
44 interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this
45 subdivision, an interest expense is considered paid or accrued only in the first taxable year the
46 deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation
47 under 26 U.S.C. Section 163(j), as amended, did not exist.

48 3. There shall be subtracted from the taxpayer's federal adjusted gross income the
49 following amounts to the extent included in federal adjusted gross income:

50 (1) Interest received on deposits held at a federal reserve bank or interest or dividends
51 on obligations of the United States and its territories and possessions or of any authority,
52 commission or instrumentality of the United States to the extent exempt from Missouri income
53 taxes pursuant to the laws of the United States. The amount subtracted pursuant to this
54 subdivision shall be reduced by any interest on indebtedness incurred to carry the described

55 obligations or securities and by any expenses incurred in the production of interest or dividend
56 income described in this subdivision. The reduction in the previous sentence shall only apply
57 to the extent that such expenses including amortizable bond premiums are deducted in
58 determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri
59 itemized deduction. The reduction shall only be made if the expenses total at least five hundred
60 dollars;

61 (2) The portion of any gain, from the sale or other disposition of property having a higher
62 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
63 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is
64 considered a long-term capital gain for federal income tax purposes, the modification shall be
65 limited to one-half of such portion of the gain;

66 (3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity
67 or other amount of income or gain which was properly included in income or gain and was taxed
68 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or
69 to a decedent by reason of whose death the taxpayer acquired the right to receive the income or
70 gain, or to a trust or estate from which the taxpayer received the income or gain;

71 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
72 extent that the same are included in federal adjusted gross income;

73 (5) The amount of any state income tax refund for a prior year which was included in the
74 federal adjusted gross income;

75 (6) The portion of capital gain specified in section 135.357 that would otherwise be
76 included in federal adjusted gross income;

77 (7) The amount that would have been deducted in the computation of federal taxable
78 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January
79 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but
80 before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant
81 to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and
82 Worker Assistance Act of 2002;

83 (8) For all tax years beginning on or after January 1, 2005, the amount of any income
84 received for military service while the taxpayer serves in a combat zone which is included in
85 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,
86 "combat zone" means any area which the President of the United States by Executive Order
87 designates as an area in which Armed Forces of the United States are or have engaged in combat.
88 Service is performed in a combat zone only if performed on or after the date designated by the
89 President by Executive Order as the date of the commencing of combat activities in such zone,

90 and on or before the date designated by the President by Executive Order as the date of the
91 termination of combatant activities in such zone;

92 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property
93 that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an
94 additional modification was made under subdivision (3) of subsection 2 of this section, the
95 amount by which additional modification made under subdivision (3) of subsection 2 of this
96 section on qualified property has not been recovered through the additional subtractions provided
97 in subdivision (7) of this subsection;

98 (10) For all tax years beginning on or after January 1, 2014, the amount of any income
99 received as payment from any program which provides compensation to agricultural producers
100 who have suffered a loss as the result of a disaster or emergency, including the:

- 101 (a) Livestock Forage Disaster Program;
- 102 (b) Livestock Indemnity Program;
- 103 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- 104 (d) Emergency Conservation Program;
- 105 (e) Noninsured Crop Disaster Assistance Program;
- 106 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 107 (g) Annual Forage Pilot Program;
- 108 (h) Livestock Risk Protection Insurance Plan; and
- 109 (i) Livestock Gross Margin Insurance Plan; and

110 (11) For all tax years beginning on or after January 1, 2018, any interest expense paid
111 or accrued in the current taxable year, but not deducted as a result of the limitation imposed
112 under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest
113 expense is considered paid or accrued only in the first taxable year the deduction would have
114 been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C.
115 Section 163(j), as amended, did not exist.

116 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross
117 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

118 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross
119 income the modifications provided in section 143.411.

120 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
121 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's
122 federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the
123 Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion
124 of property as a result of condemnation or the imminence thereof.

125 7. (1) As used in this subsection, "qualified health insurance premium" means the
126 amount paid during the tax year by such taxpayer for any insurance policy primarily providing
127 health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

128 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent
129 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's
130 federal adjusted gross income to the extent the amount paid for such premiums is included in
131 federal taxable income. The taxpayer shall provide the department of revenue with proof of the
132 amount of qualified health insurance premiums paid.

133 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section,
134 one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an
135 entity certified by the department of natural resources under section 640.153 or the
136 implementation of any energy efficiency recommendations made in such an audit shall be
137 subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for
138 any such activity is included in federal taxable income. The taxpayer shall provide the
139 department of revenue with a summary of any recommendations made in a qualified home
140 energy audit, the name and certification number of the qualified home energy auditor who
141 conducted the audit, and proof of the amount paid for any activities under this subsection for
142 which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any
143 recommendations made in a qualified home energy audit to the department of natural resources.

144 (2) At no time shall a deduction claimed under this subsection by an individual taxpayer
145 or taxpayers filing combined returns exceed one thousand dollars per year for individual
146 taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined
147 returns.

148 (3) Any deduction claimed under this subsection shall be claimed for the tax year in
149 which the qualified home energy audit was conducted or in which the implementation of the
150 energy efficiency recommendations occurred. If implementation of the energy efficiency
151 recommendations occurred during more than one year, the deduction may be claimed in more
152 than one year, subject to the limitations provided under subdivision (2) of this subsection.

153 (4) A deduction shall not be claimed for any otherwise eligible activity under this
154 subsection if such activity qualified for and received any rebate or other incentive through a
155 state-sponsored energy program or through an electric corporation, gas corporation, electric
156 cooperative, or municipally owned utility.

157 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.171. 1. For all tax years beginning on or after January 1, 1994, and ending on or
2 before December 31, 2018, an individual taxpayer shall be allowed a deduction for his or her
3 federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable

4 year for which the Missouri return is being filed, not to exceed five thousand dollars on a single
 5 taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits
 6 thereon, except the credit for payments of federal estimated tax, the credit for the overpayment
 7 of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section
 8 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

9 2. **(1)** Notwithstanding any other provision of law to the contrary, for all tax years
 10 beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal
 11 to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue
 12 Code for the same taxable year for which the Missouri return is being filed, not to exceed five
 13 thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after
 14 reduction for all credits thereon, except the credit for payments of federal estimated tax, the
 15 credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue
 16 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction
 17 percentage is determined according to the following table:

18 If the Missouri gross income on the	The deduction
19 return is:	percentage is:
20 \$25,000 or less	35 percent
21 From \$25,001 to \$50,000	25 percent
22 From \$50,001 to \$100,000	15 percent
23 From \$100,001 to \$125,000	5 percent
24 \$125,001 or more	0 percent

25 **(2) Notwithstanding any provision of law to the contrary, the amount of any tax**
 26 **credits reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted**
 27 **by the 116th United States Congress, for the tax year beginning on or after January 1,**
 28 **2020, and ending on or before December 31, 2020, shall not be considered in determining**
 29 **a taxpayer's federal tax liability for the purposes of subdivision (1) of this subsection.**

30 3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall
 31 be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the
 32 Internal Revenue Code for the same taxable year for which the Missouri return is being filed
 33 after reduction for all credits thereon, except the credit for payments of federal estimated tax, the
 34 credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue
 35 Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

36 4. If a federal income tax liability for a tax year prior to the applicability of sections
 37 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid
 38 or accrued, he may deduct the federal tax in the later year to the extent it would have been
 39 deductible if paid or accrued in the prior year.

143.425. 1. For the purposes of this section, the following terms shall mean:

- 2 **(1) "Administrative adjustment request", an administrative adjustment request**
3 **filed by a partnership under 26 U.S.C. Section 6227;**
- 4 **(2) "Audited partnership", a partnership subject to a partnership level audit**
5 **resulting in a federal adjustment;**
- 6 **(3) "Corporate partner", a partner that is subject to tax under section 143.071;**
- 7 **(4) "Direct partner", a partner that holds an interest directly in a partnership or**
8 **pass-through entity;**
- 9 **(5) "Exempt partner", a partner that is exempt from taxation under the provisions**
10 **of subdivisions (1) or (4) of subsection 2 of section 143.441, except on unrelated business**
11 **taxable income;**
- 12 **(6) "Federal adjustment", a change to an item or amount determined under the**
13 **Internal Revenue Code that is used by a taxpayer to compute Missouri individual or**
14 **corporate income tax owed, whether that change results from action by the IRS, including**
15 **a partnership level audit, or the filing of an amended federal return, federal refund claim,**
16 **or an administrative adjustment request by the taxpayer. A federal adjustment is positive**
17 **to the extent that it increases Missouri taxable income as determined under section 143.431,**
18 **or Missouri adjusted gross income under section 143.121 or 143.181, and is negative to the**
19 **extent that it decreases such Missouri taxable income or Missouri adjusted gross income;**
- 20 **(7) "Federal adjustments report", methods or forms, which shall be prescribed by**
21 **the department of revenue, for use by a taxpayer to report final federal adjustments,**
22 **including an amended Missouri tax return, a uniform multistate report, or an information**
23 **return, notwithstanding any provision of law restricting the form or applicability of**
24 **information return filing;**
- 25 **(8) "Federal partnership representative", the person the partnership designates for**
26 **the taxable year as the partnership's representative, or the person the IRS has appointed**
27 **to act as the federal partnership representative, under 26 U.S.C. Section 6223(a);**
- 28 **(9) "Final determination date", shall be the following:**
- 29 **(a) Except as provided under paragraphs (b) and (c) of this subdivision, if the**
30 **federal adjustment arises from an IRS audit or other action by the IRS, the final**
31 **determination date shall be the first day on which no federal adjustments arising from such**
32 **audit or other action remain to be finally determined, whether by IRS decision with respect**
33 **to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed**
34 **or contested, by a final decision with respect to which all rights of appeal have been waived**
35 **or exhausted. For agreements required to be signed by the IRS and the taxpayer, the final**
36 **determination date shall be the date on which the last party signed the agreement;**

37 **(b) For federal adjustments arising from an IRS audit or other action by the IRS,**
38 **if the taxpayer filed as a member of a Missouri consolidated return, the final determination**
39 **date shall be the first day on which no related federal adjustments arising from such audit**
40 **remain to be finally determined, as described in paragraph (a) of this subdivision, for the**
41 **entire group;**

42 **(c) If the federal adjustment results from filing an amended federal return, a**
43 **federal refund claim, or an administrative adjustment request, or if it is a federal**
44 **adjustment reported on an amended federal return or other similar report filed under 26**
45 **U.S.C. Section 6225(c), the final determination date shall be the day on which the amended**
46 **return, refund claim, administrative adjustment request, or other similar report was filed;**

47 **(10) "Final federal adjustment", a federal adjustment that remains in effect after**
48 **the final determination date for such federal adjustment has passed;**

49 **(11) "IRS", the Internal Revenue Service of the United States Department of the**
50 **Treasury;**

51 **(12) "Indirect partner", a partner in a partnership or pass-through entity, where**
52 **such partnership or pass-through entity itself holds a direct or indirect interest in another**
53 **partnership or pass-through entity. A partnership or pass-through entity holds an**
54 **"indirect interest" in another partnership or pass-through entity where its interest is held**
55 **through an indirect partner or series of indirect partners;**

56 **(13) "Non-resident partner", an individual, trust, or estate partner that is not a**
57 **resident partner;**

58 **(14) "Partner", a person that holds an interest directly or indirectly in a**
59 **partnership or other pass-through entity;**

60 **(15) "Partnership", the same meaning as used in 26 U.S.C. Sections 701 to 771;**

61 **(16) "Partnership level audit", an examination by the IRS at the partnership level**
62 **under 26 U.S.C. Sections 6221 to 6241, as enacted by the Bipartisan Budget Act of 2015,**
63 **Public Law 114-74, and any amendments thereto, which results in federal adjustments;**

64 **(17) "Pass-through entity", an entity, other than a partnership, that is not subject**
65 **to tax under section 143.071, section 153.020, chapter 148, or a tax on insurance companies**
66 **or insurance providers imposed by the state of Missouri;**

67 **(18) "Publicly traded partnership", the same meaning as used in 26 U.S.C. Section**
68 **7704(b), and any amendments thereto;**

69 **(19) "Reallocation adjustment", a federal adjustment resulting from a partnership**
70 **level audit or an administrative adjustment request that changes the shares of one or more**
71 **items of partnership income, gain, loss, expense, or credit allocated to direct partners. A**
72 **positive reallocation adjustment means the portion of a reallocation adjustment that would**

73 increase federal adjusted gross income or federal taxable income for one or more direct
74 partners, and a negative reallocation adjustment means the portion of a reallocation
75 adjustment that would decrease federal adjusted gross income or federal taxable income
76 for one or more direct partners;

77 (20) "Resident partner", an individual, trust, or estate partner that is a resident of
78 Missouri as defined under section 143.101 for individuals, or under section 143.331 for
79 trusts or estates, for the relevant tax period;

80 (21) "Reviewed year", the taxable year of a partnership that is subject to a
81 partnership level audit which results in a federal adjustment;

82 (22) "Taxpayer", any individual or entity subject to a tax in Missouri or a
83 tax-related reporting requirement in Missouri and, unless the context clearly indicates
84 otherwise, includes a partnership subject to a partnership level audit or a partnership that
85 has made an administrative adjustment request, as well as a tiered partner of that
86 partnership;

87 (23) "Tiered partner", any partner that is a partnership or pass-through entity;

88 (24) "Unrelated business taxable income", the same meaning as defined in 26
89 U.S.C. Section 512.

90 2. Except in the case of final federal adjustments that are reported and, if
91 applicable, on the basis of which Missouri income tax is paid by a partnership and its
92 partners using the procedures provided under subsections 3 to 9 of this section, final
93 federal adjustments required to be reported for federal purposes under 26 U.S.C. Section
94 6225(a)(2), and changes required to be reported under section 143.601, a taxpayer shall
95 report and pay any Missouri tax due with respect to final federal adjustments arising from
96 an audit or other action by the IRS or reported by the taxpayer on a timely filed amended
97 federal income tax return, including a return or other similar report filed under 26 U.S.C.
98 Section 6225(c)(2), or federal claim for refund, by filing a federal adjustments report with
99 the department of revenue for the reviewed year and, if applicable, paying the additional
100 Missouri tax owed by the taxpayer no later than one hundred eighty days after the final
101 determination date.

102 3. Except for adjustments required to be reported for federal purposes under 26
103 U.S.C. Section 6225(a)(2), partnerships and partners shall report final federal adjustments
104 arising from a partnership level audit or an administrative adjustment request and make
105 payments as required under subsections 3 to 9 of this section.

106 4. (1) With respect to an action required or permitted to be taken by a partnership
107 under subsections 3 to 9 of this section, a proceeding under section 143.631 for
108 reconsideration by the director of revenue, appeal to the administrative hearing

109 **commission, or review by the judiciary with respect to such action, the state partnership**
110 **representative for the reviewed year shall have the sole authority to act on behalf of the**
111 **partnership, and the partnership's direct partners and indirect partners shall be bound by**
112 **those actions.**

113 **(2) The state partnership representative for the reviewed year is the partnership's**
114 **federal partnership representative unless the partnership designates in writing another**
115 **person as its state partnership representative.**

116 **(3) The department of revenue may establish reasonable qualifications and**
117 **procedures for designating a person, other than the federal partnership representative, to**
118 **be the state partnership representative.**

119 **(4) The state partnership representative shall be considered an authorized**
120 **representative of the partnership and its partners under section 32.057 for the purposes**
121 **of compliance with this section, or participating in a proceeding described in subdivision**
122 **(1) of this section.**

123 **5. Final federal adjustments subject to the requirements of subsections 3 to 9 of this**
124 **section, except for those subject to a properly made election under subsection 6 of this**
125 **section, shall be reported as follows:**

126 **(1) No later than ninety days after the final determination date, the partnership**
127 **shall:**

128 **(a) File a completed federal adjustments report with the department of revenue,**
129 **including information as required by the department of revenue;**

130 **(b) Notify each of its direct partners of their distributive share of the final federal**
131 **adjustments including information as required by the department of revenue;**

132 **(c) Pay any additional amount under section 143.411 that would have been due had**
133 **the final federal adjustments originally been reported properly, unless the partnership is**
134 **a publicly traded partnership; and**

135 **(d) If the partnership is a publicly traded partnership, report such information as**
136 **is required by the department of revenue and in the manner and format as required by**
137 **department of revenue instruction, including the name, address, and taxpayer**
138 **identification number of each direct partner with income in Missouri which the publicly**
139 **traded partnership can reasonably determine to be:**

140 **a. Six hundred dollars or more if the partner is an individual; or**

141 **b. One hundred dollars or more if the partner is a corporation or entity other than**
142 **an individual;**

143 **(2) No later than one hundred eighty days after the final determination date, each**
144 **direct partner that is subject to tax under sections 143.011 to 143.996, section 153.020,**
145 **chapter 148, or a Missouri tax on insurance companies or insurance providers, shall:**

146 **(a) File a federal adjustments report reporting the distributive share of the**
147 **adjustments reported to them under paragraph (b) of subdivision (1) of this subsection;**
148 **and**

149 **(b) Pay any additional amount of tax due as if final federal adjustments had been**
150 **properly reported, plus any penalty and interest due under sections 143.011 to 143.996 or**
151 **any other provision of law, and less any credit for related amounts paid or withheld and**
152 **remitted on behalf of the direct partner. The rate of interest on any amount due shall be**
153 **determined by section 32.068.**

154 **6. (1) Subject to the limitations provided under subdivision (2) of this subsection,**
155 **an audited partnership making an election under this subsection shall:**

156 **(a) No later than ninety days after the final determination date, file a completed**
157 **federal adjustments report, including information as required by department of revenue,**
158 **and notify the department of revenue that it is making the election under this subsection;**

159 **(b) No later than ninety days after the final determination date, pay an amount,**
160 **determined as follows, in lieu of taxes owed by its direct and indirect partners:**

161 **a. Exclude from final federal adjustments the distributive share of such**
162 **adjustments reported to a direct exempt partner not subject to tax under sections 143.011**
163 **to 143.996;**

164 **b. For the total distributive shares of the remaining final federal adjustments**
165 **reported to direct corporate partners subject to tax under section 143.071, and to direct**
166 **exempt partners subject to tax under sections 143.011 to 143.996, apportion and allocate**
167 **such adjustments as provided under section 143.455 if applicable, and multiply the**
168 **resulting amount by the tax rate provided under section 143.071 for direct corporate**
169 **partners and direct exempt partners that are corporations, or the top rate of tax under**
170 **section 143.011 for direct exempt partners that are not corporations;**

171 **c. For the total distributive shares of the remaining final federal adjustments**
172 **reported to non-resident direct partners subject to tax under sections 143.011 to 143.996,**
173 **determine the amount of such adjustments which is derived from or connected with**
174 **sources in Missouri as described in section 143.421, and multiply the resulting amount by**
175 **the highest rate of tax under section 143.011;**

176 **d. For the total distributive shares of the remaining final federal adjustments**
177 **reported to tiered partners:**

178 (i) Determine the amount of such adjustments which is of a type such that it would
179 be subject to sourcing to this state under section 143.421; and then determine the portion
180 of such amount that would be sourced to the state under section 143.421;

181 (ii) Determine the amount of such adjustments which is of a type such that it would
182 not be subject to sourcing to Missouri by a nonresident partner under section 143.421;

183 (iii) Determine the portion of the amount determined in item (ii) of this
184 subparagraph that can be established, under regulation issued by the department of
185 revenue, to be properly allocable to nonresident indirect partners or other partners not
186 subject to tax on the adjustments;

187 (iv) Multiply the sum of the amounts determined in items (i) and (ii) of this
188 subparagraph, reduced by the amount determined in item (iii) of this subparagraph, by
189 the highest rate of tax under section 143.011;

190 e. For the total distributive shares of the remaining final federal adjustments
191 reported to resident direct partners subject to tax under section 143.011 or 143.061,
192 multiply such amount by the highest rate of tax under section 143.011;

193 f. For the total distributive shares of the remaining final federal adjustments
194 reported to direct partners subject to tax under chapter 148, section 153.020, or a Missouri
195 tax on insurance companies or insurance providers, apportion and allocate such
196 adjustments in the manner provided by law for such tax, if applicable, and multiply the
197 resulting amount by the tax rate applicable to such direct partner;

198 g. Add the amounts determined under subparagraphs b to f of this paragraph, in
199 addition to any penalty and interest as provided under sections 143.011 to 143.961 or any
200 other provision of law. The rate of interest on any amount due shall be determined by
201 section 32.068.

202 (2) Final federal adjustments subject to the election provided for under this
203 subsection shall not include:

204 (a) The distributive share of final audit adjustments that would, under section
205 143.455, be included in the apportionable income of any direct or indirect corporate
206 partner, provided that the audited partnership can reasonably determine such amount;
207 and

208 (b) Any final federal adjustments resulting from an administrative adjustment
209 request.

210 (3) An audited partnership not otherwise subject to any reporting or payment
211 obligation to Missouri that makes an election under this subsection consents to be subject
212 to Missouri law related to reporting, assessment, payment, and collection of Missouri tax
213 calculated under this subsection.

214 7. The direct and indirect partners of an audited partnership that are tiered
215 partners, and all of the partners of such tiered partners that are subject to tax under
216 sections 143.011 to 143.961, shall be subject to the reporting and payment requirements of
217 subsection 5 of this section, and such tiered partners shall be entitled to make the election
218 provided under subsection 6 of this section. The tiered partners or their partners shall
219 make required reports and payments no later than ninety days after the time for filing and
220 furnishing statements to tiered partners and their partners as established under 26 U.S.C.
221 Section 6226. The department of revenue may promulgate rules to establish procedures
222 and interim time periods for the reports and payments required by tiered partners and
223 their partners, and for making the elections under subsection 6 of this section.

224 8. (1) The election made under subsection 6 of this section shall be irrevocable,
225 unless the director of revenue, in his or her discretion or that of the directors' designee,
226 determines otherwise.

227 (2) If properly reported and paid by the audited partnership or tiered partner, the
228 amount determined under subdivision (2) of subsection 6 of this section shall be treated as
229 paid in lieu of taxes owed by its direct and indirect partners, to the extent applicable, on
230 the same final federal adjustments. The direct partners or indirect partners shall not take
231 any deduction or credit on the determined amount, or claim a refund of such amount in
232 this state. Nothing in this subsection shall preclude a direct resident partner from claiming
233 a credit against the tax otherwise due to this state under section 143.081, or any amounts
234 paid by the audited partnership or tiered partner on the resident partner's behalf to
235 another state or local tax jurisdiction in accordance with the provisions of section 143.081.

236 9. Nothing in subsections 3 to 9 of this section shall be construed to prevent the
237 department of revenue from assessing direct partners or indirect partners for taxes owed
238 by such partners, using the best information available, in the event that a partnership or
239 tiered partner fails to timely make any report or payment required under subsections 3 to
240 9 of this section for any reason.

241 10. The department of revenue shall assess additional tax, interest, additions to tax,
242 and penalties arising from final federal adjustments arising from an audit by the IRS,
243 including a partnership level audit, or reported by the taxpayer on an amended federal
244 income tax return, or as part of an administrative adjustment request by no later than the
245 latest of the following dates:

246 (1) If a taxpayer files with the department of revenue a federal adjustments report
247 or an amended Missouri tax return as required within the period provided under
248 subsections 2 to 9 of this section, the department of revenue shall assess any amounts,
249 including taxes, interest, additions to tax, and penalties arising from such federal

250 adjustments if the department of revenue issues a notice of the assessment to the taxpayer
251 no later than:

252 (a) The expiration of the limitations period provided under section 143.711; or

253 (b) The expiration of the one year period following the date of filing with the
254 department of revenue of the federal adjustments report;

255 (2) If the taxpayer fails to file the federal adjustments report within the period
256 provided under subsections 2 to 9 of this section, as appropriate, or the federal adjustments
257 report filed by the taxpayer omits final federal adjustments or understates the correct
258 amount of tax owed, the department of revenue shall assess amounts or additional amounts
259 including taxes, interest, additions to tax, and penalties arising from the final federal
260 adjustments, if it mails a notice of the assessment to the taxpayer by a date which is the
261 latest of the following:

262 (a) The expiration of the limitations period provided under section 143.711;

263 (b) The expiration of the one year period following the date the federal adjustments
264 report was filed with the department of revenue; or

265 (c) Absent fraud, the expiration of the six-year period following the final
266 determination date.

267 11. A taxpayer may make estimated payments to the department of revenue of the
268 Missouri tax expected to result from a pending IRS audit, prior to the due date of the
269 federal adjustments report, without having to file such report with the department of
270 revenue. The estimated tax payments shall be credited against any tax liability ultimately
271 found to be due to Missouri and shall limit the accrual of further interest on such amount.
272 If the estimated tax payments exceed the final tax liability and interest ultimately
273 determined to be due, the taxpayer shall be entitled to a refund or credit for the excess,
274 provided the taxpayer files a federal adjustments report or claim for refund or credit of
275 tax under section 143.781 or 143.821 no later than one year following the final
276 determination date.

277 12. Except for final federal adjustments required to be reported for federal
278 purposes under 26 U.S.C. Section 6225(a)(2), a taxpayer may file a claim for refund or
279 credit of tax arising from federal adjustments made by the IRS on or before the later of:

280 (1) The expiration of the last day for filing a claim for refund or credit of Missouri
281 tax under section 143.801, including any extensions; or

282 (2) One year from the date a federal adjustments report required under subsections
283 2 to 9 of this section, as applicable, was due to the department of revenue, including any
284 extensions provided under subsection 13 of this section.

285 **The federal adjustments report shall serve as the means for the taxpayer to report**
286 **additional tax due, report a claim for refund or credit of tax, and make other adjustments**
287 **resulting from adjustments to the taxpayer's federal taxable income.**

288 **13. (1) Unless otherwise agreed in writing by the taxpayer and the department of**
289 **revenue, any adjustments by the department or by the taxpayer made after the expiration**
290 **of the appropriate limitations period provided under section 143.711 or 143.801 shall be**
291 **limited to changes to the taxpayer's tax liability arising from federal adjustments.**

292 **(2) For purposes of compliance with this section, the time periods provided for in**
293 **chapter 143 may be extended:**

294 **(a) Automatically, upon written notice to the department of revenue, by ninety days**
295 **for an audited partnership or tiered partner which has one hundred or more direct**
296 **partners; or**

297 **(b) By written agreement between the taxpayer and the department of revenue.**

298 **(3) Any extension granted under this subsection for filing the federal adjustments**
299 **report extends the last day prescribed by law for assessing any additional tax arising from**
300 **the adjustments to federal taxable income and the period for filing a claim for refund or**
301 **credit of taxes under section 143.781 or 143.821.**

302 **14. The department of revenue shall promulgate rules to implement the provisions**
303 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
304 **is created under the authority delegated in this section shall become effective only if it**
305 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
306 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
307 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
308 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
309 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,**
310 **shall be invalid and void.**

311 **15. The provisions of this section shall apply to any adjustments to a taxpayer's**
312 **federal taxable income or federal adjusted gross income with a final determination date**
313 **occurring on or after January 1, 2021.**

143.991. 1. The period of service in the Armed Forces of the United States in a combat
2 zone plus any period of continuous hospitalization outside this state attributable to such service
3 plus the next one hundred eighty days shall be disregarded in determining, under regulations to
4 be promulgated by the director of revenue, whether any act required by sections 143.011 to
5 143.996 was performed by a taxpayer within the time prescribed therefor.

6 2. In the case of any individual who dies during an induction period while in active
7 service as a member of the Armed Forces of the United States, if such death occurred while the

8 individual was serving in a combat zone or as a result of wounds, disease, or injury incurred
9 while so serving, the tax imposed by sections 143.011 to 143.996 shall not apply with respect
10 to the taxable year in which falls the date of his **or her** death, or with respect to any prior taxable
11 year ending on or after the first day he **or she** so served in a combat zone.

12 **3. (1) In the case of a specified terrorist victim, the tax imposed pursuant to this**
13 **chapter shall not apply:**

14 **(a) With respect to the taxable year in which falls the date of death; and**

15 **(b) With respect to any prior taxable year in the period beginning with the last**
16 **taxable year ending before the taxable year in which the wounds or injury were incurred**
17 **from an attack as described in subdivision (3) of this subsection.**

18 **(2) The provisions of subdivision (1) of this subsection shall not apply to the amount**
19 **of any tax imposed pursuant to this chapter which would be computed by only taking into**
20 **account the items of income, gain, or other amounts determined to be taxable pursuant to**
21 **26 U.S.C. Section 692(d)(3), as amended.**

22 **(3) The provisions of subsection 1 of section 143.801 shall not apply to claims for**
23 **a refund made pursuant to this subsection.**

24 **(4) For the purposes of this subsection, the term "specified terrorist victim" means**
25 **any decedent who dies:**

26 **(a) As a result of wounds or injury incurred as a result of the terrorist attacks**
27 **against the United States on September 11, 2001; or**

28 **(b) As a result of illness incurred as a result of an attack involving anthrax**
29 **occurring on or after September 11, 2001, and before January 1, 2002.**

30 **Such term shall not include any individual identified by the Attorney General of the United**
31 **States to have been a participant or conspirator in any such attack or a representative of**
32 **such an individual.**

144.757. 1. Any county or municipality, except municipalities within a county having
2 a charter form of government with a population in excess of nine hundred thousand, may, by a
3 majority vote of its governing body, impose a local use tax if a local sales tax is imposed as
4 defined in section 32.085 at a rate equal to the rate of the local sales tax in effect in such county
5 or municipality; provided, however, that no ordinance or order enacted pursuant to sections
6 144.757 to 144.761 shall be effective unless the governing body of the county or municipality
7 submits to the voters thereof at a municipal, county or state general, primary or special election
8 a proposal to authorize the governing body of the county or municipality to impose a local use
9 tax pursuant to sections 144.757 to 144.761. Municipalities within a county having a charter
10 form of government with a population in excess of nine hundred thousand may, upon voter
11 approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section,

12 impose a local use tax at the same rate as the local municipal sales tax with the revenues from
13 all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890. The
14 municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph
15 (b) of subdivision (2) of subsection 2 of this section select one of the distribution options
16 permitted in subsection 4 of section 94.890 for distribution of all municipal use taxes.

17 2. (1) The ballot of submission, except for counties and municipalities described in
18 subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

19 Shall the _____ (county or municipality's name) impose a local use tax at the
20 same rate as the total local sales tax rate, [~~currently _____ (insert percent),~~
21 provided that if the local sales tax rate is reduced or raised by voter approval, the
22 local use tax rate shall also be reduced or raised by the same action? [~~A use tax
23 return shall not be required to be filed by persons whose purchases from
24 out-of-state vendors do not in total exceed two thousand dollars in any calendar
25 year.~~] **Approval of this question will eliminate the disparity in tax rates
26 collected by local and out-of-state sellers by imposing the same rate on all
27 sellers.**

28 YES NO

29 If you are in favor of the question, place an "X" in the box opposite "YES". If
30 you are opposed to the question, place an "X" in the box opposite "NO".

31 (2) (a) The ballot of submission in a county having a charter form of government with
32 a population in excess of nine hundred thousand shall contain substantially the following
33 language:

34 For the purposes of enhancing county and municipal public safety, parks, and job
35 creation and enhancing local government services, shall the county be authorized
36 to collect a local use tax equal to the total of the existing county sales tax rate [~~of
37 (insert tax rate)],~~ provided that if the county sales tax is repealed, reduced or
38 raised by voter approval, the local use tax rate shall also be repealed, reduced or
39 raised by the same voter action? Fifty percent of the revenue shall be used by the
40 county throughout the county for improving and enhancing public safety, park
41 improvements, and job creation, and fifty percent shall be used for enhancing
42 local government services. The county shall be required to make available to the
43 public an audited comprehensive financial report detailing the management and
44 use of the countywide portion of the funds each year.

45 A use tax is the equivalent of a sales tax on purchases from out-of-state sellers
46 by in-state buyers and on certain taxable business transactions. [~~A use tax return
47 shall not be required to be filed by persons whose purchases from out-of-state~~

48 ~~vendors do not in total exceed two thousand dollars in any calendar year.]~~
 49 **Approval of this question will eliminate the disparity in tax rates collected**
 50 **by local and out-of-state sellers by imposing the same rate on all sellers.**

51 YES NO

52 If you are in favor of the question, place an "X" in the box opposite "YES". If
 53 you are opposed to the question, place an "X" in the box opposite "NO".

54 (b) The ballot of submission in a municipality within a county having a charter form of
 55 government with a population in excess of nine hundred thousand shall contain substantially the
 56 following language:

57 Shall the municipality be authorized to impose a local use tax at the same rate as
 58 the local sales tax by a vote of the governing body, provided that if any local sales
 59 tax is repealed, reduced or raised by voter approval, the respective local use tax
 60 shall also be repealed, reduced or raised by the same action? ~~[A use tax return~~
 61 ~~shall not be required to be filed by persons whose purchases from out-of-state~~
 62 ~~vendors do not in total exceed two thousand dollars in any calendar year.]~~
 63 **Approval of this question will eliminate the disparity in tax rates collected**
 64 **by local and out-of-state sellers by imposing the same rate on all sellers.**

65 YES NO

66 If you are in favor of the question, place an "X" in the box opposite "YES". If
 67 you are opposed to the question, place an "X" in the box opposite "NO".

68 (3) The ballot of submission in any city not within a county shall contain substantially
 69 the following language:

70 Shall the _____ (city name) impose a local use tax at the same rate as the local
 71 sales tax, ~~[currently at a rate of _____ (insert percent)]~~ which includes the
 72 capital improvements sales tax and the transportation tax, provided that if any
 73 local sales tax is repealed, reduced or raised by voter approval, the respective
 74 local use tax shall also be repealed, reduced or raised by the same action? ~~[A use~~
 75 ~~tax return shall not be required to be filed by persons whose purchases from~~
 76 ~~out-of-state vendors do not in total exceed two thousand dollars in any calendar~~
 77 ~~year.]~~ **Approval of this question will eliminate the disparity in tax rates**
 78 **collected by local and out-of-state sellers by imposing the same rate on all**
 79 **sellers.**

80 YES NO

81 If you are in favor of the question, place an "X" in the box opposite "YES". If
 82 you are opposed to the question, place an "X" in the box opposite "NO".

83 (4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes
84 cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
85 ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the
86 director of revenue receives notice of adoption of the local use tax on or before August 16, 1996.
87 If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast
88 on the proposal by the qualified voters voting thereon are in favor of the proposal, then the
89 ordinance or order and any amendments thereto shall be in effect on the first day of the calendar
90 quarter which begins at least forty-five days after the director of revenue receives notice of
91 adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are
92 opposed to the proposal, then the governing body of the county or municipality shall have no
93 power to impose the local use tax as herein authorized unless and until the governing body of the
94 county or municipality shall again have submitted another proposal to authorize the governing
95 body of the county or municipality to impose the local use tax and such proposal is approved by
96 a majority of the qualified voters voting thereon.

97 3. The local use tax may be imposed at the same rate as the local sales tax then currently
98 in effect in the county or municipality upon all transactions which are subject to the taxes
99 imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting
100 such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced
101 or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced
102 or raised by the same action repealing, reducing or raising the local sales tax.

103 4. For purposes of sections 144.757 to 144.761, the use tax may be referred to or
104 described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state
105 buyers and on certain intrabusiness transactions. Such a description shall not change the
106 classification, form or subject of the use tax or the manner in which it is collected.

205.202. 1. The governing body of any hospital district established under sections
2 205.160 to 205.379 in any county of the third classification without a township form of
3 government and with more than thirteen thousand five hundred but fewer than thirteen thousand
4 six hundred inhabitants may, by resolution, abolish the property tax levied in such district under
5 this chapter and impose a sales tax on all retail sales made within the district which are subject
6 to sales tax under chapter 144. The tax authorized in this section shall be not more than one
7 percent, and shall be imposed solely for the purpose of funding the hospital district. The tax
8 authorized in this section shall be in addition to all other sales taxes imposed by law, and shall
9 be stated separately from all other charges and taxes.

10 2. No such resolution adopted under this section shall become effective unless the
11 governing body of the hospital district submits to the voters residing within the district at a state
12 general, primary, or special election a proposal to authorize the governing body of the district to

13 impose a tax under this section. If a majority of the votes cast on the question by the qualified
14 voters voting thereon are in favor of the question, then the tax shall become effective on the first
15 day of the second calendar quarter after the director of revenue receives notification of adoption
16 of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting
17 thereon are opposed to the question, then the tax shall not become effective unless and until the
18 question is resubmitted under this section to the qualified voters and such question is approved
19 by a majority of the qualified voters voting on the question.

20 3. All revenue collected under this section by the director of the department of revenue
21 on behalf of the hospital district, except for one percent for the cost of collection which shall be
22 deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is
23 hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used
24 solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds,
25 and shall not be commingled with any funds of the state. The director may make refunds from
26 the amounts in the fund and credited to the district for erroneous payments and overpayments
27 made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any
28 funds in the special fund which are not needed for current expenditures shall be invested in the
29 same manner as other funds are invested. Any interest and moneys earned on such investments
30 shall be credited to the fund.

31 4. The governing body of any hospital district that has adopted the sales tax authorized
32 in this section may submit the question of repeal of the tax to the voters on any date available for
33 elections for the district. If a majority of the votes cast on the question by the qualified voters
34 voting thereon are in favor of the repeal, that repeal shall become effective on December
35 thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast
36 on the question by the qualified voters voting thereon are opposed to the repeal, then the sales
37 tax authorized in this section shall remain effective until the question is resubmitted under this
38 section to the qualified voters and the repeal is approved by a majority of the qualified voters
39 voting on the question.

40 5. Whenever the governing body of any hospital district that has adopted the sales tax
41 authorized in this section receives a petition, signed by a number of registered voters of the
42 district equal to at least ten percent of the number of registered voters of the district voting in the
43 last gubernatorial election, calling for an election to repeal the sales tax imposed under this
44 section, the governing body shall submit to the voters of the district a proposal to repeal the tax.
45 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
46 of the repeal, the repeal shall become effective on December thirty-first of the calendar year in
47 which such repeal was approved. If a majority of the votes cast on the question by the qualified
48 voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall

49 remain effective until the question is resubmitted under this section to the qualified voters and
50 the repeal is approved by a majority of the qualified voters voting on the question.

51 6. If the tax is repealed or terminated by any means **other than by a dissolution of a**
52 **hospital district as described in subsection 7 of this section**, all funds remaining in the special
53 trust fund shall continue to be used solely for the designated purposes, and the hospital district
54 shall notify the director of the department of revenue of the action at least ninety days before the
55 effective date of the repeal and the director may order retention in the trust fund, for a period of
56 one year, of two percent of the amount collected after receipt of such notice to cover possible
57 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the
58 credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
59 in such district, the director shall remit the balance in the account to the district and close the
60 account of that district. The director shall notify each district of each instance of any amount
61 refunded or any check redeemed from receipts due the district.

62 7. **Upon the dissolution of a hospital district levying a sales tax pursuant to this**
63 **section, the sales tax shall be automatically repealed and all funds remaining in the special**
64 **trust fund shall be distributed as follows:**

65 **(1) Twenty-five percent shall be distributed to the county public health center**
66 **established pursuant to sections 205.010 to 205.150; and**

67 **(2) Seventy-five percent shall be distributed to a federally qualified health center,**
68 **as defined in 42 U.S.C. Section 1396d(l)(1) and (2), located in the county.**

321.552. 1. Except in any county of the first classification with over two hundred
2 thousand inhabitants, or any county of the first classification without a charter form of
3 government and with more than seventy-three thousand seven hundred but less than
4 seventy-three thousand eight hundred inhabitants; or any county of the first classification without
5 a charter form of government and with more than one hundred eighty-four thousand but less than
6 one hundred eighty-eight thousand inhabitants; or any county with a charter form of government
7 with over one million inhabitants; or any county with a charter form of government with over
8 two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants, the
9 governing body of any ambulance or fire protection district may impose a sales tax in an amount
10 up to ~~one-half of~~ one percent on all retail sales made in such ambulance or fire protection
11 district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525
12 provided that such sales tax shall be accompanied by a reduction in the district's tax rate as
13 defined in section 137.073. The tax authorized by this section shall be in addition to any and all
14 other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of
15 this section shall be effective unless the governing body of the ambulance or fire protection
16 district submits to the voters of such ambulance or fire protection district, at a municipal or state

17 general, primary or special election, a proposal to authorize the governing body of the ambulance
18 or fire protection district to impose a tax pursuant to this section.

19 2. The ballot of submission shall contain, but need not be limited to, the following
20 language:

21 Shall _____ (insert name of ambulance or fire protection district) impose a sales
22 tax of _____ (insert amount up to ~~one-half of~~ one percent) for the purpose of
23 providing revenues for the operation of the _____ (insert name of ambulance or
24 fire protection district) and the total property tax levy on properties in the _____
25 (insert name of the ambulance or fire protection district) shall be reduced
26 annually by an amount which reduces property tax revenues by an amount equal
27 to fifty percent of the previous year's revenue collected from this sales tax?

28 YES NO

29 If you are in favor of the question, place an "X" in the box opposite "YES". If you
30 are opposed to the question, place an "X" in the box opposite "NO".

31 3. If a majority of the votes cast on the proposal by the qualified voters voting thereon
32 are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the
33 governing body of the ambulance or fire protection district shall lower the level of its tax rate by
34 an amount which reduces property tax revenues by an amount equal to fifty percent of the
35 amount of sales tax collected in the preceding year. If a majority of the votes cast by the
36 qualified voters voting are opposed to the proposal, then the governing body of the ambulance
37 or fire protection district shall not impose the sales tax authorized in this section unless and until
38 the governing body of such ambulance or fire protection district resubmits a proposal to
39 authorize the governing body of the ambulance or fire protection district to impose the sales tax
40 authorized by this section and such proposal is approved by a majority of the qualified voters
41 voting thereon.

42 4. All revenue received by a district from the tax authorized pursuant to this section shall
43 be deposited in a special trust fund, and be used solely for the purposes specified in the proposal
44 submitted pursuant to this section for so long as the tax shall remain in effect.

45 5. All sales taxes collected by the director of revenue pursuant to this section, less one
46 percent for cost of collection which shall be deposited in the state's general revenue fund after
47 payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a
48 special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection
49 District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax
50 trust fund shall not be deemed to be state funds and shall not be commingled with any funds of
51 the state. The director of revenue shall keep accurate records of the amount of money in the trust
52 and the amount collected in each district imposing a sales tax pursuant to this section, and the

53 records shall be open to inspection by officers of the county and to the public. Not later than the
54 tenth day of each month the director of revenue shall distribute all moneys deposited in the trust
55 fund during the preceding month to the governing body of the district which levied the tax; such
56 funds shall be deposited with the board treasurer of each such district.

57 6. The director of revenue may make refunds from the amounts in the trust fund and
58 credit any district for erroneous payments and overpayments made, and may redeem dishonored
59 checks and drafts deposited to the credit of such district. If any district abolishes the tax, the
60 district shall notify the director of revenue of the action at least ninety days prior to the effective
61 date of the repeal and the director of revenue may order retention in the trust fund, for a period
62 of one year, of two percent of the amount collected after receipt of such notice to cover possible
63 refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the
64 credit of such accounts. After one year has elapsed after the effective date of abolition of the tax
65 in such district, the director of revenue shall remit the balance in the account to the district and
66 close the account of that district. The director of revenue shall notify each district of each
67 instance of any amount refunded or any check redeemed from receipts due the district.

68 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
69 apply to the tax imposed pursuant to this section.

70 **8. The governing body of any ambulance or fire protection district authorized to**
71 **levy a sales tax pursuant to this section shall:**

72 **(1) Submit the question of an increase in the rate of the sales tax to the voters on**
73 **a general election day not earlier than the 2022 general election; and**

74 **(2) Include information on the ambulance or fire protection district website, if**
75 **available, on the tax rate and the purposes for which the tax is levied.**

326.289. 1. The board may grant or renew permits to practice as a certified public
2 accounting firm to applicants that demonstrate their qualifications in accordance with this
3 chapter.

4 (1) The following shall hold a permit issued under this chapter:

5 (a) Any firm with an office in this state, as defined by the board by rule, offering or
6 performing attest or compilation services; or

7 (b) Any firm with an office in this state that uses the title "CPA" or "CPA firm".

8 (2) Any firm that does not have an office in this state may offer or perform attest or
9 compilation services in this state without a valid permit only if it meets each of the following
10 requirements:

11 (a) It complies with the qualifications described in subdivision (1) of subsection 4 of this
12 section;

13 (b) It complies with the requirements of peer review as set forth in this chapter and the
14 board's promulgated regulations;

15 (c) It performs such services through an individual with practice privileges under section
16 326.283; and

17 (d) It can lawfully do so in the state where said individual with the privilege to practice
18 has his or her principal place of business.

19 (3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this
20 subsection may perform other nonattest or noncompilation services while using the title "CPA"
21 or "CPA firm" in this state without a permit issued under this section only if it:

22 (a) Performs such services through an individual with the privilege to practice under
23 section 326.283; and

24 (b) Can lawfully do so in the state where said individual with privilege to practice has
25 his or her principal place of business.

26 (4) (a) All firms practicing public accounting in this state shall register with the
27 secretary of state.

28 (b) Firms which may be exempt from this requirement include:

29 a. Sole proprietorships;

30 b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural
31 person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or
32 326.286;

33 c. General partnerships not operating as a limited liability partnership; or

34 d. Foreign professional corporations which do not meet criteria of chapter 356 due to
35 name or ownership, shall obtain a certificate of authority as a general corporation.
36 Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of
37 authority to a foreign professional corporation which does not meet the criteria of chapter 356
38 due to name or ownership, if the corporation meets the requirements of this section and the rules
39 of the board.

40 2. Permits shall be initially issued and renewed for periods of not more than three years
41 or for a specific period as prescribed by board rule following issuance or renewal.

42 3. The board shall determine by rule the form for application and renewal of permits and
43 shall annually determine the fees for permits and their renewals.

44 4. An applicant for initial issuance or renewal of a permit to practice under this section
45 shall be required to show that:

46 (1) A simple majority of the ownership of the firm, in terms of financial interests and
47 voting rights of all partners, officers, principals, shareholders, members or managers, belongs
48 to licensees who are licensed in some state, and the partners, officers, principals, shareholders,

49 members or managers, whose principal place of business is in this state and who perform
50 professional services in this state are licensees under section 326.280 or the corresponding
51 provision of prior law. Although firms may include nonlicensee owners, the firm and its
52 ownership shall comply with rules promulgated by the board;

53 (2) Any certified public accounting firm may include owners who are not licensees
54 provided that:

55 (a) The firm designates a licensee of this state, or in the case of a firm which must have
56 a permit under this section designates a licensee of another state who meets the requirements of
57 section 326.283, who is responsible for the proper registration of the firm and identifies that
58 individual to the board;

59 (b) All nonlicensee owners are active individual participants in the certified public
60 accounting firm or affiliated entities;

61 (c) All owners are of good moral character; and

62 (d) The firm complies with other requirements as the board may impose by rule;

63 (3) Any licensee who is responsible for supervising attest services, or signs or authorizes
64 someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet
65 competency requirements as determined by the board by rule which shall include one year of
66 experience in addition to the experience required under subdivision (6) of subsection 1 of section
67 326.280 and shall be verified by a licensee. The additional experience required by this
68 subsection shall include experience in attest work supervised by a licensee.

69 5. An applicant for initial issuance or renewal of a permit to practice shall register each
70 office of the firm within this state with the board and show that all attest and compilation
71 services rendered in this state are under the charge of a licensee.

72 6. No licensee or firm holding a permit under this chapter shall use a professional or firm
73 name or designation that is misleading as to:

74 (1) The legal form of the firm;

75 (2) The persons who are partners, officers, members, managers or shareholders of the
76 firm; or

77 (3) Any other matter.

78 The names of one or more former partners, members or shareholders may be included in the
79 name of a firm or its successor unless the firm becomes a sole proprietorship because of the
80 death or withdrawal of all other partners, officers, members or shareholders. A firm may use a
81 fictitious name if the fictitious name is registered with the board and is not otherwise misleading.
82 The name of a firm shall not include the name or initials of an individual who is not a present
83 or a past partner, member or shareholder of the firm or its predecessor. The name of the firm
84 shall not include the name of an individual who is not a licensee.

85 7. Applicants for initial issuance or renewal of permits shall list in their application all
86 states in which they have applied for or hold permits as certified public accounting firms and list
87 any past denial, revocation, suspension or any discipline of a permit by any other state. Each
88 holder of or applicant for a permit under this section shall notify the board in writing within
89 thirty days after its occurrence of any change in the identities of partners, principals, officers,
90 shareholders, members or managers whose principal place of business is in this state; any change
91 in the number or location of offices within this state; any change in the identity of the persons
92 in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of
93 a permit by any other state.

94 8. Firms which fall out of compliance with the provisions of this section due to changes
95 in firm ownership or personnel after receiving or renewing a permit shall take corrective action
96 to bring the firm back into compliance as quickly as possible. The board may grant a reasonable
97 period of time for a firm to take such corrective action. Failure to bring the firm back into
98 compliance within a reasonable period as defined by the board may result in the suspension or
99 revocation of the firm permit.

100 9. The board shall require by rule, as a condition to the renewal of permits, that firms
101 undergo, no more frequently than once every three years, peer reviews conducted in a manner
102 as the board shall specify. The review shall include a verification that individuals in the firm
103 who are responsible for supervising attest and compilation services or sign or authorize someone
104 to sign the accountant's report on the financial statements on behalf of the firm meet the
105 competency requirements set out in the professional standards for such services, provided that
106 any such rule:

107 (1) Shall include reasonable provision for compliance by a firm showing that it has
108 within the preceding three years undergone a peer review that is a satisfactory equivalent to peer
109 review generally required under this subsection;

110 (2) May require, with respect to peer reviews, that peer reviews be subject to oversight
111 by an oversight body established or sanctioned by board rule, which shall periodically report to
112 the board on the effectiveness of the review program under its charge and provide to the board
113 a listing of firms that have participated in a peer review program that is satisfactory to the board;
114 and

115 (3) Shall require, with respect to peer reviews, that the peer review processes be operated
116 and documents maintained in a manner designed to preserve confidentiality, and that the board
117 or any third party other than the oversight body shall not have access to documents furnished or
118 generated in the course of the peer review of the firm except as provided in subdivision (2) of
119 this subsection.

120 10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the
121 fee charged shall be substantially equivalent to the cost of oversight.

122 11. **Notwithstanding any other provision in this section, the board may obtain the**
123 **following information regarding peer review from any approved American Institute for**
124 **Certified Public Accountants peer review program:**

125 **(1) The firm's name and address;**

126 **(2) The firm's dates of enrollment in the program;**

127 **(3) The date of acceptance and the period covered by the firm's most recently**
128 **accepted peer review; and**

129 **(4) If applicable, whether the firm's enrollment in the program has been dropped**
130 **or terminated.**

131 12. In connection with proceedings before the board or upon receipt of a complaint
132 involving the licensee performing peer reviews, the board shall not have access to any documents
133 furnished or generated in the course of the performance of the peer reviews except for peer
134 review reports, letters of comment and summary review memoranda. The documents shall be
135 furnished to the board only in a redacted manner that does not specifically identify any firm or
136 licensee being peer reviewed or any of their clients.

137 ~~[12.]~~ 13. The peer review processes shall be operated and the documents generated
138 thereby be maintained in a manner designed to preserve their confidentiality. No third party,
139 other than the oversight body, the board, subject to the provisions of subsection ~~[14]~~ 12 of this
140 section, or the organization performing peer review shall have access to documents furnished or
141 generated in the course of the review. All documents shall be privileged and closed records for
142 all purposes and all meetings at which the documents are discussed shall be considered closed
143 meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers
144 of the board and any peer review subjected to the board process shall be privileged and shall not
145 be subject to discovery, subpoena or other means of legal process or introduction into evidence
146 at any civil action, arbitration, administrative proceeding or board proceeding. No member of
147 the board or person who is involved in the peer review process shall be permitted or required to
148 testify in any civil action, arbitration, administrative proceeding or board proceeding as to any
149 matters produced, presented, disclosed or discussed during or in connection with the peer review
150 process or as to any findings, recommendations, evaluations, opinions or other actions of such
151 committees or any of its members; provided, however, that information, documents or records
152 that are publicly available shall not be subject to discovery or use in any civil action, arbitration,
153 administrative proceeding or board proceeding merely because they were presented or considered
154 in connection with the peer review process.

347.044. 1. Every limited liability company organized pursuant to this chapter and every foreign limited liability company registered in this state shall file an information statement with the secretary of state.

2. The information statement shall include:

(1) The name of the limited liability company or foreign limited liability company;

(2) The company charter number assigned by the secretary of state;

(3) The address of the principal place of business;

(4) The address, including street and number, if any, of the registered office and the name of the registered agent at such office; and

(5) If a foreign limited liability company, the state or other jurisdiction under whose law the company is formed.

3. The information statement shall be current as of the date the statement is filed with the secretary of state.

4. The limited liability company or foreign limited liability company shall file an information statement every five years, and the information statement shall be due on the fifteenth day of the month in which the anniversary of the date the limited liability company or foreign limited liability company organized or registered in Missouri occurs. For limited liability companies and foreign limited liability companies that organized or registered in an odd-numbered year before January 1, 2021, the first information statement shall be due in 2024. For limited liability companies and foreign limited liability companies that organized or registered in an even-numbered year before January 1, 2020, the first information statement shall be due in 2023.

5. The information statement shall be signed by an authorized person.

6. If the information statement does not contain the information required under this section, the secretary of state shall promptly notify the limited liability company or foreign limited liability company and return the information statement for completion. The entity shall return the completed information statement to the secretary within sixty days of the issuance of the notice.

7. Ninety days before the statement is due, the secretary of state shall send notice to each limited liability company or foreign limited liability company that the information statement is due. The notice shall be directed to the limited liability company's registered office as stated in the company's most recent filing with the secretary of state.

347.179. 1. The secretary shall charge and collect:

(1) For filing the original articles of organization, a fee of [~~one hundred~~] **ninety-five** dollars;

4 (2) For filing the original articles of organization online, in an electronic format
5 prescribed by the secretary of state, a fee of ~~[forty-five]~~ **thirty-five** dollars;

6 (3) Applications for registration of foreign limited liability companies and issuance of
7 a certificate of registration to transact business in this state, a fee of one hundred dollars;

8 (4) Amendments to and restatements of articles of limited liability companies to
9 application for registration of a foreign limited liability company or any other filing otherwise
10 provided for, a fee of twenty dollars;

11 (5) Articles of termination of limited liability companies or cancellation of registration
12 of foreign limited liability companies, a fee of twenty dollars **or, if filed online in an electronic**
13 **format prescribed by the secretary, a fee of ten dollars;**

14 (6) For filing notice of merger or consolidation, a fee of twenty dollars;

15 (7) For filing a notice of winding up, a fee of twenty dollars **or, if filed online in an**
16 **electronic format prescribed by the secretary, a fee of ten dollars;**

17 (8) For issuing a certificate of good standing, a fee of five dollars;

18 (9) For a notice of the abandonment of merger or consolidation, a fee of twenty dollars;

19 (10) For furnishing a copy of any document or instrument, a fee of fifty cents per page;

20 (11) For accepting an application for reservation of a name, or for filing a notice of the
21 transfer or cancellation of any name reservation, a fee of twenty dollars;

22 (12) For filing a statement of change of address of registered office or registered agent,
23 or both, a fee of five dollars;

24 (13) For any service of notice, demand, or process upon the secretary as resident agent
25 of a limited liability company, a fee of twenty dollars, which amount may be recovered as taxable
26 costs by the party instituting such suit, action, or proceeding causing such service to be made if
27 such party prevails therein;

28 (14) For filing an amended certificate of registration a fee of twenty dollars; ~~[and]~~

29 (15) For filing a statement of correction a fee of five dollars;

30 **(16) For filing an information statement for a domestic or foreign limited liability**
31 **company, a fee of fifteen dollars or, if filing online in an electronic format prescribed by**
32 **the secretary, a fee of five dollars; and**

33 **(17) For filing a withdrawal of an erroneously or accidentally filed notice of**
34 **winding up or articles of termination, a fee of ninety-five dollars.**

35 2. Fees mandated in subdivisions (1) and (2) of subsection 1 of this section and for
36 application for reservation of a name in subdivision (11) of subsection 1 of this section shall be
37 waived if an organizer who is listed as a member in the operating agreement of the limited
38 liability company is a member of the Missouri National Guard or any other active duty military,
39 resides in the state of Missouri, and provides proof of such service to the secretary of state.

347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or his designated employee may be a party or called as witness, and, if the secretary or his designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for

37 such action. The limited liability company may appeal this notice of proposed cancellation to
38 the circuit court of the county in which the registered office of such limited liability company is
39 or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy
40 of the articles of organization or other relevant documents and a copy of the proposed written
41 cancellation thereof by the secretary, such petition to be filed within thirty days after notice of
42 such cancellation shall have been given, and the matter shall be tried by the court, and the court
43 shall either sustain the action of the secretary or direct him to take such action as the court may
44 deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.
45 The limited liability company may provide information to the secretary that would allow the
46 secretary to withdraw the notice of proposed cancellation. This information may consist of, but
47 need not be limited to, corrected statements and documents, new filings, affidavits and certified
48 copies of other filed documents;

49 (3) The power to rescind cancellation provided for in subdivision (2) of this section upon
50 compliance with either of the following:

51 (a) The affected limited liability company provides the necessary documents and
52 affidavits indicating the limited liability company has corrected the conditions causing the
53 proposed cancellation or the cancellation; or

54 (b) The limited liability company provides the correct statements or documentation that
55 the limited liability company is not in violation of any section of the criminal code; and

56 (4) The power to charge late filing fees for any filing fee required under sections 347.010
57 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing
58 fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

59 (5) (a) The power to administratively cancel [aa] :

60 a. Articles of organization if the limited liability company's period of duration stated in
61 articles of organization expires **or if the limited liability company fails to timely file its**
62 **information statement; or**

63 b. **The registration of a foreign limited liability company if the foreign limited**
64 **liability company fails to timely file its information statement.**

65 (b) Not less than thirty days before such administrative cancellation shall take effect, the
66 secretary shall notify the **domestic or foreign** limited liability company with written notice,
67 either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is
68 deposited in the United States mail in a sealed envelope addressed to such limited liability
69 company's last registered agent and office or to one of the limited liability company's managers
70 or members.

71 (c) If the limited liability company does not timely file an articles of amendment in
72 accordance with section 347.041 to extend the duration of the limited liability company, which

73 may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the
74 secretary that the period of duration determined by the secretary is incorrect, within sixty days
75 after service of the notice is perfected by posting with the United States Postal Service, then the
76 secretary shall cancel the articles of organization by signing an administrative cancellation that
77 recites the grounds for cancellation and its effective date. The secretary shall file the original of
78 the administrative cancellation and serve a copy on the limited liability company as provided in
79 section 347.051.

80 (d) A limited liability company whose articles of organization has been administratively
81 cancelled continues its existence but may not carry on any business except that necessary to wind
82 up and liquidate its business and affairs under section 347.147 and notify claimants under section
83 347.141.

84 (e) The administrative cancellation of an articles of organization does not terminate the
85 authority of its registered agent.

86 (f) **If a limited liability company does not timely file an information statement in
87 accordance with section 347.044 within sixty days after service of the notice is perfected by
88 posting with the United States Postal Service or fails to demonstrate to the reasonable
89 satisfaction of the secretary that the information statement was timely filed, the secretary
90 shall cancel the articles of organization by signing an administrative cancellation that states
91 the grounds for cancellation and the effective date of the cancellation. The secretary shall
92 file the original administrative cancellation and serve a copy to the limited liability
93 company as provided under section 347.051.**

94 (g) **If a foreign limited liability company does not timely file an information
95 statement in accordance with section 347.044 within sixty days after service of the notice
96 is perfected by posting with the United States Postal Service or fails to demonstrate to the
97 reasonable satisfaction of the secretary that the information statement was timely filed, the
98 secretary shall cancel the registration of the foreign limited liability company by signing
99 an administrative cancellation that states the grounds for cancellation and the effective
100 date of the cancellation. The secretary shall file the original administrative cancellation
101 and serve a copy to the foreign limited liability company as provided in section 347.051.
102 A foreign limited liability company whose registration has been administratively cancelled
103 may continue its existence but shall not conduct any business in this state except to wind
104 up and liquidate its business and affairs in this state.**

105 (6) (a) The power to rescind an administrative cancellation and reinstate the articles of
106 organization.

107 (b) Except as otherwise provided in the operating agreement, a limited liability company
108 whose articles of organization has been administratively cancelled under subdivision (5) of this

109 section may file an articles of amendment in accordance with section 347.041 to extend the
110 duration of the limited liability company, which may be any number or perpetual.

111 (c) A limited liability company whose articles of organization has been administratively
112 cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The
113 applicant shall:

114 a. Recite the name of the limited liability company and the effective date of its
115 administrative cancellation;

116 b. State that the grounds for cancellation either did not exist or have been eliminated, as
117 applicable, and be accompanied by documentation satisfactory to the secretary evidencing the
118 same;

119 c. State that the limited liability company's name satisfies the requirements of section
120 347.020;

121 d. Be accompanied by a reinstatement fee in the amount of [~~one hundred~~] **ninety-five**
122 dollars, or such greater amount as required by state regulation, plus any delinquent fees,
123 penalties, and other charges as determined by the secretary to then be due.

124 (d) If the secretary determines that the application contains the information and is
125 accompanied by the fees required in paragraph (c) of this subdivision and that the information
126 and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of
127 reinstatement that recites his or her determination and the effective date of reinstatement, file the
128 original articles of organization, and serve a copy on the limited liability company as provided
129 in section 347.051.

130 (e) When the reinstatement is effective, it shall relate back to and take effect as of the
131 effective date of the administrative cancellation of the articles of organization and the limited
132 liability company may continue carrying on its business as if the administrative cancellation had
133 never occurred.

134 (f) In the event the name of the limited liability company was reissued by the secretary
135 to another entity prior to the time application for reinstatement was filed, the limited liability
136 company applying for reinstatement may elect to reinstate using a new name that complies with
137 the requirements of section 347.020 and that has been approved by appropriate action of the
138 limited liability company for changing the name thereof.

139 (g) If the secretary denies a limited liability company's application for reinstatement
140 following administrative cancellation of the articles of organization, he or she shall serve the
141 limited liability company as provided in section 347.051 with a written notice that explains the
142 reason or reasons for denial.

143 (h) The limited liability company may appeal a denial of reinstatement as provided for
144 in subdivision (2) of this section.

145 ~~[(7)]~~ **(i) This subdivision [(6) of this section]** shall apply to any limited liability company
146 whose articles of organization was cancelled because such limited liability company's period of
147 duration stated in the articles of organization expired on or after August 28, 2003.

148 **(7) The power to rescind an administrative cancellation and reinstate the**
149 **registration of a foreign limited liability company. The following procedures apply:**

150 **(a) A foreign limited liability company whose registration was administratively**
151 **cancelled under subdivision (5) of this section may apply to the secretary for reinstatement.**
152 **The application shall:**

153 **a. State the name of the foreign limited liability company and the date of the**
154 **administrative cancellation;**

155 **b. State that the grounds for cancellation either did not exist or have been**
156 **eliminated, with supporting documentation satisfactory to the secretary;**

157 **c. State that the foreign limited liability company's name satisfies the requirements**
158 **of section 347.020; and**

159 **d. Include a reinstatement fee in the amount of ninety-five dollars, or a higher**
160 **amount if required by state regulation, and any delinquent fees, penalties, or other charges**
161 **as the secretary determines are due;**

162 **(b) If the secretary determines that the application satisfies the requirements under**
163 **paragraph (a) of this subdivision, the secretary shall rescind the cancellation and prepare**
164 **a certificate of reinstatement that includes the effective date of reinstatement and shall**
165 **deliver a copy to the limited liability company as provided under section 347.051;**

166 **(c) If reinstatement is granted, the administrative cancellation shall be retroactively**
167 **voided, and the foreign limited liability company may conduct its business as if the**
168 **administrative cancellation never occurred;**

169 **(d) If the name of the foreign limited liability company was issued to another entity**
170 **before the application for reinstatement was filed, the foreign limited liability company**
171 **applying for reinstatement may elect to reinstate using a new name that complies with the**
172 **requirements under section 347.020 and is approved by appropriate action of the foreign**
173 **limited liability company for changing its name;**

174 **(e) If the secretary denies a foreign limited liability company's application for**
175 **reinstatement, the secretary shall serve the limited liability company with a written notice**
176 **as provided under section 347.051 that explains the reason for denial; and**

177 **(f) The foreign limited liability company may appeal a denial of reinstatement by**
178 **using the procedure under subdivision (2) of this section; and**

179 **(8) The power to reinstate a limited liability company that erroneously or**
180 **accidentally filed a notice of winding up or notice of termination. The following**
181 **procedures apply:**

182 **(a) A limited liability company whose articles of organization were terminated due**
183 **to an erroneously or accidentally filed notice of winding up or notice of termination may**
184 **apply to the secretary for reinstatement by filing a withdrawal of notice of winding up or**
185 **withdrawal of notice of termination. The application shall:**

186 **a. State the name of the limited liability company and the filing date of the**
187 **erroneous or accidental notice;**

188 **b. State the grounds for erroneously or accidentally filing the notice, with**
189 **supporting documentation satisfactory to the secretary;**

190 **c. State that the limited liability company's name satisfies the requirements under**
191 **section 347.020; and**

192 **d. Include a reinstatement fee in the amount of ninety-five dollars, or a higher**
193 **amount if required by state regulation, and any delinquent fees, penalties, or other charges**
194 **as the secretary determines are due;**

195 **(b) If the secretary determines that the application satisfies the requirements under**
196 **paragraph (a) of this subdivision, the secretary shall rescind the notice of winding up or**
197 **notice of termination and prepare a certificate of reinstatement that includes the effective**
198 **notice of termination and prepare a certificate of reinstatement that includes the affected**
199 **limited liability company as provided under section 347.051;**

200 **(c) If reinstatement is granted, the termination of the articles of organization shall**
201 **be retroactively voided, and the limited liability company may conduct its business as if the**
202 **administrative cancellation never occurred;**

203 **(d) If the name of the limited liability company was issued to another entity before**
204 **the application for reinstatement was filed, the limited liability company applying for the**
205 **reinstatement may elect to reinstate using a new name that complies with the requirements**
206 **under section 347.020 and is approved by appropriate action of the limited liability**
207 **company for changing its name;**

208 **(e) If the secretary of state denies a limited liability company's application for**
209 **reinstatement, the secretary shall serve the limited liability company with a written notice**
210 **as provided under section 347.051 that explains the reason for denial;**

211 **(f) The limited liability company may appeal a denial of reinstatement by using the**
212 **procedure under subdivision (2) of this section.**

358.460. 1. The exclusive right to the use of a name of a registered limited liability
2 partnership or foreign registered limited liability partnership may be reserved by:

3 (1) Any person intending to become a registered limited liability partnership or foreign
4 registered limited liability partnership under this chapter and to adopt that name; and

5 (2) Any registered limited liability partnership or foreign registered limited liability
6 partnership which proposes to change its name.

7 2. The reservation of a specified name shall be made by filing with the secretary of state
8 an application, executed by the applicant, specifying the name to be reserved and the name and
9 address of the applicant. If the secretary of state finds that the name is available for use by a
10 registered limited liability partnership or foreign registered limited liability partnership, the
11 secretary of state shall reserve the name for the exclusive use of the applicant for a period of
12 sixty days. A name reservation shall not exceed a period of one hundred eighty days from the
13 date of the first name reservation application. Upon the one hundred eighty-first day the name
14 shall cease reserve status and shall not be placed back in such status. The right to the exclusive
15 use of a reserved name may be transferred to any other person by filing in the office of the
16 secretary of state a notice of the transfer, executed by the applicant for whom the name was
17 reserved, specifying the name to be transferred and the name and address of the transferee. The
18 reservation of a specified name may be cancelled by filing with the secretary of state a notice of
19 cancellation, executed by the applicant or transferee, specifying the name reservation to be
20 cancelled and the name and address of the applicant or transferee.

21 3. A fee in the amount of ~~twenty-five~~ **twenty** dollars shall be paid to the secretary of
22 state upon receipt for filing of an application for reservation of name, an application for renewal
23 of reservation or a notice of transfer or cancellation pursuant to this section. All moneys from
24 the payment of this fee shall be deposited into the general revenue fund.

358.470. 1. Each registered limited liability partnership and each foreign registered
2 limited liability partnership shall have and maintain in the state of Missouri:

3 (1) A registered office, which may, but need not be, a place of its business in the state
4 of Missouri; and

5 (2) A registered agent for service of process on the registered limited liability partnership
6 or foreign registered limited liability partnership, which agent may be either an individual
7 resident of the state of Missouri whose business office is identical with the registered limited
8 liability partnership's or foreign registered limited liability partnership's registered office, or a
9 domestic corporation, or a foreign corporation authorized to do business in the state of Missouri,
10 having a business office identical with such registered office or the registered limited liability
11 partnership or foreign registered limited liability partnership itself.

12 2. A registered agent may change the address of the registered office of the registered
13 limited liability partnerships or foreign registered limited liability partnerships for which the
14 agent is the registered agent to another address in the state of Missouri by paying a fee in the

15 amount of ~~[ten]~~ **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered
16 limited liability partnership or foreign registered limited liability partnership affected thereby,
17 to the secretary of state and filing with the secretary of state a certificate, executed by such
18 registered agent, setting forth the names of all the registered limited liability partnerships or
19 foreign registered limited liability partnerships represented by such registered agent, and the
20 address at which such registered agent has maintained the registered office for each of such
21 registered limited liability partnerships or foreign registered limited liability partnerships, and
22 further certifying to the new address to which such registered office will be changed on a given
23 day, and at which new address such registered agent will thereafter maintain the registered office
24 for each of the registered limited liability partnerships or foreign registered limited liability
25 partnerships recited in the certificate. Upon the filing of such certificate, the secretary of state
26 shall furnish to the registered agent a certified copy of the same under the secretary of state's
27 hand and seal of office, and thereafter, or until further change of address, as authorized by law,
28 the registered office in the state of Missouri of each of the registered limited liability partnerships
29 or foreign registered limited liability partnerships recited in the certificate shall be located at the
30 new address of the registered agent thereof as given in the certificate. In the event of a change
31 of name of any person acting as a registered agent of a registered limited liability partnership or
32 foreign registered limited liability partnership, such registered agent shall file with the secretary
33 of state a certificate, executed by such registered agent, setting forth the new name of such
34 registered agent, the name of such registered agent before it was changed, the names of all the
35 registered limited liability partnerships or foreign registered limited liability partnerships
36 represented by such registered agent, and the address at which such registered agent has
37 maintained the registered office for each of such registered limited liability partnerships or
38 foreign registered limited liability partnerships, and shall pay a fee in the amount of ~~[twenty-five]~~
39 **five** dollars~~], and a further fee in the amount of two dollars]~~ for each registered limited liability
40 partnership or foreign registered limited liability partnership affected thereby, to the secretary of
41 state. Upon the filing of such certificate, the secretary of state shall furnish to the registered
42 agent a certified copy of the same under the secretary of state's hand and seal of office. Filing
43 a certificate under this section shall be deemed to be an amendment of the application, renewal
44 application or notice filed pursuant to subsection 19 of section 358.440, as the case may be, of
45 each registered limited liability partnership or foreign registered limited liability partnership
46 affected thereby, and each such registered limited liability partnership or foreign registered
47 limited liability partnership shall not be required to take any further action with respect thereto
48 to amend its application, renewal application or notice filed, as the case may be, pursuant to
49 section 358.440. Any registered agent filing a certificate under this section shall promptly, upon

50 such filing, deliver a copy of any such certificate to each registered limited liability partnership
51 or foreign registered limited liability partnership affected thereby.

52 3. The registered agent of one or more registered limited liability partnerships or foreign
53 registered limited liability partnerships may resign and appoint a successor registered agent by
54 paying a fee in the amount of ~~[fifty]~~ **five** dollars~~[-, and a further fee in the amount of two dollars]~~
55 for each registered limited liability partnership or foreign registered limited liability partnership
56 affected thereby, to the secretary of state and filing a certificate with the secretary of state, stating
57 that it resigns and the name and address of the successor registered agent. There shall be
58 attached to such certificate a statement executed by each affected registered limited liability
59 partnership or foreign registered limited liability partnership ratifying and approving such change
60 of registered agent. Upon such filing, the successor registered agent shall become the registered
61 agent of such registered limited liability partnerships or foreign registered limited liability
62 partnerships as have ratified and approved such substitution and the successor registered agent's
63 address, as stated in such certificate, shall become the address of each such registered limited
64 liability partnership's or foreign registered limited liability partnership's registered office in the
65 state of Missouri. The secretary of state shall furnish to the successor registered agent a certified
66 copy of the certificate of resignation. Filing of such certificate of resignation shall be deemed
67 to be an amendment of the application, renewal application or notice filed pursuant to subsection
68 19 of section 358.440, as the case may be, of each registered limited liability partnership or
69 foreign registered limited liability partnership affected thereby, and each such registered limited
70 liability partnership or foreign registered limited liability partnership shall not be required to take
71 any further action with respect thereto, to amend its application, renewal application or notice
72 filed pursuant to subsection 19 of section 358.440, as the case may be, pursuant to section
73 358.440.

74 4. The registered agent of a registered limited liability partnership or foreign registered
75 limited liability partnership may resign without appointing a successor registered agent by paying
76 a fee in the amount of ~~[ten]~~ **five** dollars to the secretary of state and filing a certificate with the
77 secretary of state stating that it resigns as registered agent for the registered limited liability
78 partnership or foreign registered limited liability partnership identified in the certificate, but such
79 resignation shall not become effective until one hundred twenty days after the certificate is filed.
80 There shall be attached to such certificate an affidavit of such registered agent, if an individual,
81 or the president, a vice president or the secretary thereof if a corporation, that at least thirty days
82 prior to and on or about the date of the filing of the certificate, notices were sent by certified or
83 registered mail to the registered limited liability partnership or foreign registered limited liability
84 partnership for which such registered agent is resigning as registered agent, at the principal office
85 thereof within or outside the state of Missouri, if known to such registered agent or, if not, to the

86 last known address of the attorney or other individual at whose request such registered agent was
87 appointed for such registered limited liability partnership or foreign registered limited liability
88 partnership, of the resignation of such registered agent. After receipt of the notice of the
89 resignation of its registered agent, the registered limited liability partnership or foreign registered
90 limited liability partnership for which such registered agent was acting shall obtain and designate
91 a new registered agent, to take the place of the registered agent so resigning. If such registered
92 limited liability partnership or foreign registered limited liability partnership fails to obtain and
93 designate a new registered agent prior to the expiration of the period of one hundred twenty days
94 after the filing by the registered agent of the certificate of resignation, the application, renewal
95 application or notice filed pursuant to subsection 19 of section 358.440 of such registered limited
96 liability partnership or foreign registered limited liability partnership shall be deemed to be
97 cancelled.

620.2005. 1. As used in sections 620.2000 to 620.2010, the following terms mean:

- 2 (1) "Average wage", the new payroll divided by the number of new jobs, or the payroll
3 of the retained jobs divided by the number of retained jobs;
- 4 (2) "Commencement of operations", the starting date for the qualified company's first
5 new employee, which shall be no later than twelve months from the date of the approval;
- 6 (3) "Contractor", a person, employer, or business entity that enters into an agreement to
7 perform any service or work or to provide a certain product in exchange for valuable
8 consideration. This definition shall include but not be limited to a general contractor,
9 subcontractor, independent contractor, contract employee, project manager, or a recruiting or
10 staffing entity;
- 11 (4) "County average wage", the average wages in each county as determined by the
12 department for the most recently completed full calendar year. However, if the computed county
13 average wage is above the statewide average wage, the statewide average wage shall be deemed
14 the county average wage for such county for the purpose of determining eligibility. The
15 department shall publish the county average wage for each county at least annually.
16 Notwithstanding the provisions of this subdivision to the contrary, for any qualified company
17 that in conjunction with their project is relocating employees from a Missouri county with a
18 higher county average wage, the company shall obtain the endorsement of the governing body
19 of the community from which jobs are being relocated or the county average wage for their
20 project shall be the county average wage for the county from which the employees are being
21 relocated;
- 22 (5) "Department", the Missouri department of economic development;
- 23 (6) "Director", the director of the department of economic development;
- 24 (7) "Employee", a person employed by a qualified company, excluding:

- 25 (a) Owners of the qualified company unless the qualified company is participating in an
26 employee stock ownership plan; or
- 27 (b) Owners of a noncontrolling interest in stock of a qualified company that is publicly
28 traded;
- 29 (8) "Existing Missouri business", a qualified company that, for the ten-year period
30 preceding submission of a notice of intent to the department, had a physical location in Missouri
31 and full-time employees who routinely performed job duties within Missouri;
- 32 (9) "Full-time employee", an employee of the qualified company that is scheduled to
33 work an average of at least thirty-five hours per week for a twelve-month period, and one for
34 which the qualified company offers health insurance and pays at least fifty percent of such
35 insurance premiums. An employee that spends less than fifty percent of the employee's work
36 time at the facility shall be considered to be located at a facility if the employee receives his or
37 her directions and control from that facility, is on the facility's payroll, one hundred percent of
38 the employee's income from such employment is Missouri income, and the employee is paid at
39 or above the applicable percentage of the county average wage;
- 40 (10) "Industrial development authority", an industrial development authority organized
41 under chapter 349 that has entered into a formal written memorandum of understanding with an
42 entity of the United States Department of Defense regarding a qualified military project;
- 43 (11) "Infrastructure projects", highways, roads, streets, bridges, sewers, traffic control
44 systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and
45 drainage systems, broadband internet infrastructure, and any other similar public improvements,
46 but in no case shall infrastructure projects include private structures;
- 47 (12) "Local incentives", the present value of the dollar amount of direct benefit received
48 by a qualified company for a project facility from one or more local political subdivisions, but
49 this term shall not include loans or other funds provided to the qualified company that shall be
50 repaid by the qualified company to the political subdivision;
- 51 (13) "Manufacturing capital investment", expenditures made by a qualified
52 manufacturing company to retool or reconfigure a manufacturing project facility directly related
53 to the manufacturing of a new product or the expansion or modification of the manufacture of
54 an existing product;
- 55 (14) "Memorandum of understanding", an agreement executed by an industrial
56 development authority and an entity of the United States Department of Defense, a copy of which
57 is provided to the department of economic development, that states, but is not limited to:
- 58 (a) A requirement for the military to provide the total number of existing jobs, jobs
59 directly created by a qualified military project, and average salaries of such jobs to the industrial

60 development authority and the department of economic development annually for the term of the
61 benefit;

62 (b) A requirement for the military to provide an accounting of the expenditures of capital
63 investment made by the military directly related to the qualified military project to the industrial
64 development authority and the department of economic development annually for the term of the
65 benefit;

66 (c) The process by which the industrial development authority shall monetize the tax
67 credits annually and any transaction cost or administrative fee charged by the industrial
68 development authority to the military on an annual basis;

69 (d) A requirement for the industrial development authority to provide proof to the
70 department of economic development of the payment made to the qualified military project
71 annually, including the amount of such payment;

72 (e) The schedule of the maximum amount of tax credits which may be authorized in each
73 year for the project and the specified term of the benefit, as provided by the department of
74 economic development; and

75 (f) A requirement that the annual benefit paid shall be the lesser of:

76 a. The maximum amount of tax credits authorized; or

77 b. The actual calculated benefit derived from the number of new jobs and average
78 salaries;

79 (15) "NAICS" or "NAICS industry classification", the classification provided by the
80 most recent edition of the North American Industry Classification System as prepared by the
81 Executive Office of the President, Office of Management and Budget;

82 (16) "New capital investment", shall include costs incurred by the qualified company at
83 the project facility after acceptance by the qualified company of the proposal for benefits from
84 the department or the approval notice of intent, whichever occurs first, for real or personal
85 property, and may include the value of finance or capital leases for real or personal property for
86 the term of such lease at the project facility executed after acceptance by the qualified company
87 of the proposal for benefits from the department or the approval of the notice of intent;

88 (17) "New direct local revenue", the present value of the dollar amount of direct net new
89 tax revenues of the local political subdivisions likely to be produced by the project over a
90 ten-year period as calculated by the department, excluding local earnings tax, and net new utility
91 revenues, provided the local incentives include a discount or other direct incentives from utilities
92 owned or operated by the political subdivision;

93 (18) "New job", the number of full-time employees located at the project facility that
94 exceeds the project facility base employment less any decrease in the number of full-time

95 employees at related facilities below the related facility base employment. No job that was
96 created prior to the date of the notice of intent shall be deemed a new job;

97 (19) "New payroll", the amount of wages paid for all new jobs, located at the project
98 facility during the qualified company's tax year that exceeds the project facility base payroll;

99 (20) "New product", a new model or line of a manufactured good that has not been
100 manufactured in Missouri by a qualified manufacturing company at any time prior to the date of
101 the notice of intent, or an existing brand, model, or line of a manufactured good that is
102 redesigned;

103 (21) "Notice of intent", a form developed by the department and available online,
104 completed by the qualified company, and submitted to the department stating the qualified
105 company's intent to request benefits under this program. The notice of intent shall be
106 accompanied with a detailed plan by the qualifying company to make good faith efforts to
107 employ, at a minimum, commensurate with the percentage of minority populations in the state
108 of Missouri, as reported in the previous decennial census, the following: racial minorities,
109 contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial
110 minorities commensurate with the percentage of minority populations in the state of Missouri,
111 as reported in the previous decennial census. At a minimum, such plan shall include monitoring
112 the effectiveness of outreach and recruitment strategies in attracting diverse applicants and
113 linking with different or additional referral sources in the event that recruitment efforts fail to
114 produce a diverse pipeline of applicants;

115 (22) "Percent of local incentives", the amount of local incentives divided by the amount
116 of new direct local revenue;

117 (23) "Program", the Missouri works program established in sections 620.2000 to
118 620.2020;

119 (24) "Project facility", the building or buildings used by a qualified company at which
120 new or retained jobs and any new capital investment are or will be located or by a qualified
121 manufacturing company at which a manufacturing capital investment is or will be located. A
122 project facility may include separate buildings located within sixty miles of each other such that
123 their purpose and operations are interrelated; provided that where the buildings making up the
124 project facility are not located within the same county, the average wage of the new payroll shall
125 exceed the applicable percentage of the highest county average wage among the counties in
126 which the buildings are located. Upon approval by the department, a subsequent project facility
127 may be designated if the qualified company demonstrates a need to relocate to the subsequent
128 project facility at any time during the project period. For qualified military projects, the term
129 "project facility" means the military base or installation at which such qualified military project
130 is or shall be located;

131 (25) "Project facility base employment", the greater of the number of full-time
132 employees located at the project facility on the date of the notice of intent or, for the
133 twelve-month period prior to the date of the notice of intent, the average number of full-time
134 employees located at the project facility. In the event the project facility has not been in
135 operation for a full twelve-month period, the average number of full-time employees for the
136 number of months the project facility has been in operation prior to the date of the notice of
137 intent;

138 (26) "Project facility base payroll", the annualized payroll for the project facility base
139 employment or the total amount of taxable wages paid by the qualified company to full-time
140 employees of the qualified company located at the project facility in the twelve months prior to
141 the notice of intent. For purposes of calculating the benefits under this program, the amount of
142 base payroll shall increase each year based on an appropriate measure, as determined by the
143 department;

144 (27) "Project period", the time period within which benefits are awarded to a qualified
145 company or within which the qualified company is obligated to perform under an agreement with
146 the department, whichever is greater;

147 (28) "Projected net fiscal benefit", the total fiscal benefit to the state less any state
148 benefits offered to the qualified company, as determined by the department;

149 (29) "Qualified company", a firm, partnership, joint venture, association, private or
150 public corporation whether organized for profit or not, or headquarters of such entity registered
151 to do business in Missouri that is the owner or operator of a project facility, certifies that it offers
152 health insurance to all full-time employees of all facilities located in this state, and certifies that
153 it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000
154 to 620.2020, the term "qualified company" shall not include:

155 (a) Gambling establishments (NAICS industry group 7132);

156 (b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and
157 45), except with respect to any company headquartered in this state with a majority of its
158 full-time employees engaged in operations not within the NAICS codes specified in this
159 subdivision;

160 (c) Food and drinking places (NAICS subsector 722);

161 (d) Public utilities (NAICS 221 including water and sewer services);

162 (e) Any company that is delinquent in the payment of any nonprotested taxes or any
163 other amounts due the state or federal government or any other political subdivision of this state;

164 (f) Any company requesting benefits for retained jobs that has filed for or has publicly
165 announced its intention to file for bankruptcy protection. However, a company that has filed for

166 or has publicly announced its intention to file for bankruptcy may be a qualified company
167 provided that such company:

- 168 a. Certifies to the department that it plans to reorganize and not to liquidate; and
- 169 b. After its bankruptcy petition has been filed, it produces proof, in a form and at times
170 satisfactory to the department, that it is not delinquent in filing any tax returns or making any
171 payment due to the state of Missouri, including but not limited to all tax payments due after the
172 filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer
173 who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of
174 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and
175 shall forfeit such benefits and shall repay the state an amount equal to any state tax credits
176 already redeemed and any withholding taxes already retained;
- 177 (g) Educational services (NAICS sector 61);
- 178 (h) Religious organizations (NAICS industry group 8131);
- 179 (i) Public administration (NAICS sector 92);
- 180 (j) Ethanol distillation or production;
- 181 (k) Biodiesel production; or
- 182 (l) Health care and social services (NAICS sector 62).

183 Notwithstanding any provision of this section to the contrary, the headquarters, administrative
184 offices, or research and development facilities of an otherwise excluded business may qualify
185 for benefits if the offices or facilities serve a multistate territory. In the event a national, state,
186 or regional headquarters operation is not the predominant activity of a project facility, the jobs
187 and investment of such operation shall be considered eligible for benefits under this section if
188 the other requirements are satisfied;

- 189 (30) "Qualified manufacturing company", a company that:
 - 190 (a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);
 - 191 (b) Manufactures goods at a facility in Missouri;
 - 192 (c) Manufactures a new product or has commenced making a manufacturing capital
193 investment to the project facility necessary for the manufacturing of such new product, or
194 modifies or expands the manufacture of an existing product or has commenced making a
195 manufacturing capital investment for the project facility necessary for the modification or
196 expansion of the manufacture of such existing product; and
 - 197 (d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for
198 the project period;
- 199 (31) "Qualified military project", the expansion or improvement of a military base or
200 installation within this state that causes:

- 201 (a) An increase of ten or more **part-time or full-time** military or civilian support
202 personnel:
- 203 a. Whose average salaries equal or exceed ninety percent of the county average wage;
204 and
- 205 b. Who are offered health insurance, with an entity of the United States Department of
206 Defense paying at least fifty percent of such insurance premiums; and
- 207 (b) Investment in real or personal property at the base or installation expressly for the
208 purposes of serving a new or expanded military activity or unit;
- 209 (32) "Related company", shall mean:
- 210 (a) A corporation, partnership, trust, or association controlled by the qualified company;
211 (b) An individual, corporation, partnership, trust, or association in control of the
212 qualified company; or
- 213 (c) Corporations, partnerships, trusts or associations controlled by an individual,
214 corporation, partnership, trust, or association in control of the qualified company. As used in this
215 paragraph, "control of a qualified company" shall mean:
- 216 a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total
217 combined voting power of all classes of stock entitled to vote in the case of a qualified company
218 that is a corporation;
- 219 b. Ownership of at least fifty percent of the capital or profit interest in such qualified
220 company if it is a partnership or association;
- 221 c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in
222 the principal or income of such qualified company if it is a trust, and ownership shall be
223 determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;
- 224 (33) "Related facility", a facility operated by the qualified company or a related company
225 located in this state that is directly related to the operations of the project facility or in which
226 operations substantially similar to the operations of the project facility are performed;
- 227 (34) "Related facility base employment", the greater of the number of full-time
228 employees located at all related facilities on the date of the notice of intent or, for the
229 twelve-month period prior to the date of the notice of intent, the average number of full-time
230 employees located at all related facilities of the qualified company or a related company located
231 in this state;
- 232 (35) "Related facility base payroll", the annualized payroll of the related facility base
233 payroll or the total amount of taxable wages paid by the qualified company to full-time
234 employees of the qualified company located at a related facility in the twelve months prior to the
235 filing of the notice of intent. For purposes of calculating the benefits under this program, the

236 amount of related facility base payroll shall increase each year based on an appropriate measure,
237 as determined by the department;

238 (36) "Rural area", a county in Missouri with a population less than seventy-five thousand
239 or that does not contain an individual city with a population greater than fifty thousand according
240 to the most recent federal decennial census;

241 (37) "Tax credits", tax credits issued by the department to offset the state taxes imposed
242 by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

243 (38) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For
244 purposes of this program, the withholding tax shall be computed using a schedule as determined
245 by the department based on average wages.

246 2. This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax revenues and
2 other economic stimuli that will be generated by the new jobs created, a qualified company may,
3 for a period of five years from the date the new jobs are created, or for a period of six years from
4 the date the new jobs are created if the qualified company is an existing Missouri business, retain
5 an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005
6 from the new jobs that would otherwise be withheld and remitted by the qualified company
7 under the provisions of sections 143.191 to 143.265 if:

8 (1) The qualified company creates ten or more new jobs, and the average wage of the
9 new payroll equals or exceeds ninety percent of the county average wage;

10 (2) The qualified company creates two or more new jobs at a project facility located in
11 a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county
12 average wage, and the qualified company commits to making at least one hundred thousand
13 dollars of new capital investment at the project facility within two years; or

14 (3) The qualified company creates two or more new jobs at a project facility located
15 within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll
16 equals or exceeds eighty percent of the county average wage, and the qualified company commits
17 to making at least one hundred thousand dollars in new capital investment at the project facility
18 within two years of approval.

19 2. In addition to any benefits available under subsection 1 of this section, the department
20 may award a qualified company that satisfies subdivision (1) of subsection 1 of this section
21 additional tax credits, issued each year for a period of five years from the date the new jobs are
22 created, or for a period of six years from the date the new jobs are created if the qualified
23 company is an existing Missouri business, in an amount equal to or less than six percent of new
24 payroll; provided that in no event may the total amount of benefits awarded to a qualified
25 company under this section exceed nine percent of new payroll in any calendar year. The amount

26 of tax credits awarded to a qualified company under this subsection shall not exceed the
27 projected net fiscal benefit to the state, as determined by the department, and shall not exceed
28 the least amount necessary to obtain the qualified company's commitment to initiate the project.
29 In determining the amount of tax credits to award to a qualified company under this subsection
30 or a qualified manufacturing company under subsection 3 of this section, the department shall
31 consider the following factors:

32 (1) The significance of the qualified company's need for program benefits;

33 (2) The amount of projected net fiscal benefit to the state of the project and the period
34 in which the state would realize such net fiscal benefit;

35 (3) The overall size and quality of the proposed project, including the number of new
36 jobs, new capital investment, manufacturing capital investment, proposed wages, growth
37 potential of the qualified company, the potential multiplier effect of the project, and similar
38 factors;

39 (4) The financial stability and creditworthiness of the qualified company;

40 (5) The level of economic distress in the area;

41 (6) An evaluation of the competitiveness of alternative locations for the project facility,
42 as applicable; and

43 (7) The percent of local incentives committed.

44 3. (1) The department may award tax credits to a qualified manufacturing company that
45 makes a manufacturing capital investment of at least five hundred million dollars not more than
46 three years following the department's approval of a notice of intent and the execution of an
47 agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be
48 issued no earlier than January 1, 2023, and may be issued each year for a period of five years.
49 A qualified manufacturing company may qualify for an additional five-year period under this
50 subsection if it makes an additional manufacturing capital investment of at least two hundred
51 fifty million dollars within five years of the department's approval of the original notice of intent.

52 (2) The maximum amount of tax credits that any one qualified manufacturing company
53 may receive under this subsection shall not exceed five million dollars per calendar year. The
54 aggregate amount of tax credits awarded to all qualified manufacturing companies under this
55 subsection shall not exceed ten million dollars per calendar year.

56 (3) If, at the project facility at any time during the project period, the qualified
57 manufacturing company discontinues the manufacturing of the new product, or discontinues the
58 modification or expansion of an existing product, and does not replace it with a subsequent or
59 additional new product or with a modification or expansion of an existing product, the company
60 shall immediately cease receiving any benefit awarded under this subsection for the remainder

61 of the project period and shall forfeit all rights to retain or receive any benefit awarded under this
62 subsection for the remainder of such period.

63 (4) Notwithstanding any other provision of law to the contrary, any qualified
64 manufacturing company that is awarded benefits under this section shall not simultaneously
65 receive tax credits or exemptions under sections 100.700 to 100.850 for the jobs created or
66 retained or capital improvement that qualified for benefits under this section. The provisions of
67 subsection 5 of section 285.530 shall not apply to a qualified manufacturing company that is
68 awarded benefits under this section.

69 4. Upon approval of a notice of intent to receive tax credits under subsection 2, 3, 6, or
70 7 of this section, the department and the qualified company shall enter into a written agreement
71 covering the applicable project period. The agreement shall specify, at a minimum:

72 (1) The committed number of new jobs, new payroll, and new capital investment, or the
73 manufacturing capital investment and committed percentage of retained jobs for each year during
74 the project period;

75 (2) The date or time period during which the tax credits shall be issued, which may be
76 immediately or over a period not to exceed two years from the date of approval of the notice of
77 intent;

78 (3) Clawback provisions, as may be required by the department;

79 (4) Financial guarantee provisions as may be required by the department, provided that
80 financial guarantee provisions shall be required by the department for tax credits awarded under
81 subsection 7 of this section; and

82 (5) Any other provisions the department may require.

83 5. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange
84 for the consideration provided by the new tax revenues and other economic stimuli that will be
85 generated by the new jobs created by the program, a qualified company may, for a period of five
86 years from the date the new jobs are created, or for a period of six years from the date the new
87 jobs are created if the qualified company is an existing Missouri business, retain an amount equal
88 to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new
89 jobs that would otherwise be withheld and remitted by the qualified company under the
90 provisions of sections 143.191 to 143.265 equal to:

91 (1) Six percent of new payroll for a period of five years from the date the required
92 number of new jobs were created if the qualified company creates one hundred or more new jobs
93 and the average wage of the new payroll equals or exceeds one hundred twenty percent of the
94 county average wage of the county in which the project facility is located; or

95 (2) Seven percent of new payroll for a period of five years from the date the required
96 number of jobs were created if the qualified company creates one hundred or more new jobs and

97 the average wage of the new payroll equals or exceeds one hundred forty percent of the county
98 average wage of the county in which the project facility is located.

99 The department shall issue a refundable tax credit for any difference between the amount of
100 benefit allowed under this subsection and the amount of withholding tax retained by the
101 company, in the event the withholding tax is not sufficient to provide the entire amount of benefit
102 due to the qualified company under this subsection.

103 6. In addition to the benefits available under subsection 5 of this section, the department
104 may award a qualified company that satisfies the provisions of subsection 5 of this section
105 additional tax credits, issued each year for a period of five years from the date the new jobs are
106 created, or for a period of six years from the date the new jobs are created if the qualified
107 company is an existing Missouri business, in an amount equal to or less than three percent of
108 new payroll; provided that in no event may the total amount of benefits awarded to a qualified
109 company under this section exceed nine percent of new payroll in any calendar year. The amount
110 of tax credits awarded to a qualified company under this subsection shall not exceed the
111 projected net fiscal benefit to the state, as determined by the department, and shall not exceed
112 the least amount necessary to obtain the qualified company's commitment to initiate the project.
113 In determining the amount of tax credits to award to a qualified company under this subsection,
114 the department shall consider the factors provided under subsection 2 of this section.

115 7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in
116 exchange for the consideration provided by the new tax revenues and other economic stimuli that
117 will be generated by the new jobs and new capital investment created by the program, the
118 department may award a qualified company that satisfies the provisions of subdivision (1) of
119 subsection 1 of this section tax credits, issued within one year following the qualified company's
120 acceptance of the department's proposal for benefits, in an amount equal to or less than nine
121 percent of new payroll. The amount of tax credits awarded to a qualified company under this
122 subsection shall not exceed the projected net fiscal benefit to the state, as determined by the
123 department, and shall not exceed the least amount necessary to obtain the qualified company's
124 commitment to initiate the project. In determining the amount of tax credits to award to a
125 qualified company under this subsection, the department shall consider the factors provided
126 under subsection 2 of this section and the qualified company's commitment to new capital
127 investment and new job creation within the state for a period of not less than ten years. For the
128 purposes of this subsection, each qualified company shall have an average wage of the new
129 payroll that equals or exceeds one hundred percent of the county average wage. Notwithstanding
130 the provisions of section 620.2020 to the contrary, this subsection, shall expire on June 30, 2025.

131 8. No benefits shall be available under this section for any qualified company that has
132 performed significant, project-specific site work at the project facility, purchased machinery or

133 equipment related to the project, or has publicly announced its intention to make new capital
 134 investment or manufacturing capital investment at the project facility prior to receipt of a
 135 proposal for benefits under this section or approval of its notice of intent, whichever occurs first.

136 9. In lieu of any other benefits under this chapter, the department of economic
 137 development may award a tax credit to an industrial development authority for a qualified
 138 military project in an amount equal to the estimated withholding taxes associated with the **part-**
 139 **time and full-time** civilian and military new jobs located at the facility and directly impacted
 140 by the project. The amount of the tax credit shall be calculated by multiplying:

141 (1) The average percentage of tax withheld, as provided by the department of revenue
 142 to the department of economic development;

143 (2) The average salaries of the jobs directly created by the qualified military project; and

144 (3) The number of jobs directly created by the qualified military project.

145 If the amount of the tax credit represents the least amount necessary to accomplish the qualified
 146 military project, the tax credits may be issued, but no tax credits shall be issued for a term longer
 147 than fifteen years. No qualified military project shall be eligible for tax credits under this
 148 subsection unless the department of economic development determines the qualified military
 149 project shall achieve a net positive fiscal impact to the state.

**620.3210. 1. This section shall be known and may be cited as the "Capitol Complex
 2 Tax Credit Act".**

3 2. As used in this section, the following terms shall mean:

**4 (1) "Board", the Missouri development finance board, a body corporate and politic
 5 created under sections 100.250 to 100.297 and 100.700 to 100.850;**

6 (2) "Capitol complex", the following buildings located in Jefferson City, Missouri:

7 (a) State capitol building, 201 West Capitol Avenue;

8 (b) Supreme court building, 207 West High Street;

9 (c) Old Federal Courthouse, 131 West High Street;

10 (d) Highway building, 105 Capitol Avenue;

11 (e) Governor's mansion, 100 Madison Street;

12 (3) "Certificate", a tax credit certificate issued under this section;

13 (4) "Department", the Missouri department of economic development;

**14 (5) "Eligible artifact", any items of personal property specifically for display in a
 15 building in the capitol complex or former fixtures which were previously owned by the
 16 state and used within the capitol complex, but which had been removed. The board of
 17 public buildings shall, in their sole discretion, make all determinations as to which items
 18 are eligible artifacts and may employ such experts as may be useful to them in making such
 19 a determination;**

20 **(6) "Eligible artifact donation", a donation of an eligible artifact to the board of**
21 **public buildings. The value of such donation shall be set by the board of public buildings**
22 **who may employ such experts as may be useful to them in making such a determination.**
23 **The board of public buildings shall, in their sole discretion, determine if an artifact is to**
24 **be accepted;**

25 **(7) "Eligible monetary donation", donations received from a qualified donor to the**
26 **capitol complex fund, created in this section, or to an organization exempt from taxation**
27 **under 501(c)(3) of the Internal Revenue Service Code of 1986, as amended, whose mission**
28 **and purpose is to restore, renovate, improve, and maintain one or more buildings in the**
29 **capitol complex, that are to be used solely for projects to restore, renovate, improve, and**
30 **maintain buildings and their furnishings in the capitol complex and the administration**
31 **thereof. Eligible donations may include:**

32 **(a) Cash, including checks, money orders, credit card payments, or similar cash**
33 **equivalents valued at the face value of the currency. Currency of other nations shall be**
34 **valued based on the exchange rate on the date of the gift. The date of the donation shall**
35 **be the date that cash or check is received by the applicant or the date posted to the donor's**
36 **account in the case of credit or debit cards;**

37 **(b) Stocks from a publicly traded company;**

38 **(c) Bonds which are publicly traded;**

39 **(8) "Eligible recipient", the capitol complex fund, created in this section, or an**
40 **organization exempt from taxation under 501(c)(3) of the Internal Revenue Service Code**
41 **of 1986, as amended, whose mission and purpose is to restore, renovate, improve, and**
42 **maintain one or more buildings in the capitol complex;**

43 **(9) "Qualified donor", any of the following individuals or entities who make an**
44 **eligible monetary donation or eligible artifact donation to the capitol complex fund or other**
45 **eligible recipient:**

46 **(a) A person, firm, partner in a firm, corporation, or a shareholder in an S**
47 **corporation doing business in the state of Missouri and subject to the state income tax**
48 **imposed in chapter 143;**

49 **(b) A corporation subject to the annual corporation franchise tax imposed in**
50 **chapter 147;**

51 **(c) An insurance company paying an annual tax on its gross premium receipts in**
52 **this state;**

53 **(d) Any other financial institution paying taxes to the state of Missouri or any**
54 **political subdivision of this state under chapter 148;**

55 **(e) An individual subject to the state income tax imposed in chapter 143;**

56 (f) Any charitable organization, including any foundation or not-for-profit
57 corporation, which is exempt from federal income tax and whose Missouri unrelated
58 business taxable income, if any, would be subject to the state income tax imposed under
59 chapter 143.

60 3. There is hereby created a fund to be known as the "Capitol Complex Fund",
61 separate and distinct from all other board funds, which is hereby authorized to receive any
62 eligible monetary donation as provided in this section. The capitol complex fund shall be
63 segregated into two accounts: a rehabilitation and renovation account and a maintenance
64 account. Ninety percent of the revenues received from eligible donations pursuant to the
65 provisions of this section shall be deposited in the rehabilitation and renovation account
66 and seven and one-half percent of such revenues shall be deposited in the maintenance
67 account. The assets of these accounts, together with any interest which may accrue
68 thereon, shall be used by the board solely for the purposes of restoration and maintenance
69 of the building of the capitol complex as defined in this section, and for no other purpose.
70 The remaining two and one-half percent of the revenues deposited into the fund may be
71 used for the purposes of soliciting donations to the fund, advertising and promoting the
72 fund, and administrative costs of administering the fund. Any amounts not used for those
73 purposes shall be deposited back into the rehabilitation and renovation account and the
74 maintenance account divided in the manner set forth in this section. The board may, as
75 an administrative cost, use the funds to hire fund raising professionals and such other
76 experts or advisors as may be necessary to carry out the board's duties under this section.
77 The choice of projects for which the money is to be used, as well as the determination of
78 the methods of carrying out the project and the procurement of goods and services thereon
79 shall be made by the commissioner of administration. No moneys shall be released from
80 the fund for any expense without the approval of the commissioner of administration, who
81 may delegate that authority as deemed appropriate. All contracts for rehabilitation,
82 renovation, or maintenance work shall be the responsibility of the commissioner of
83 administration. A memorandum of understanding may be executed between the
84 commissioner of administration and the board determining the processes for obligation,
85 reservation, and payment of eligible costs from the fund. The commissioner of
86 administration shall not obligate costs in excess of the fund balance. The board shall not
87 be responsible for any costs obligated in excess of available funds and shall be held
88 harmless in any contracts related to rehabilitation, renovation, and maintenance of capitol
89 complex buildings. No other board funds shall be used to pay obligations made by the
90 commissioner of administration related to activities under this section.

91 **4. For all taxable years beginning on or after January 1, 2020, any qualified donor**
92 **shall be allowed a credit against the taxes otherwise due under chapters 143 and 148,**
93 **except for sections 143.191 to 143.265, in an amount of fifty percent of the eligible**
94 **monetary donation. The amount of the tax credit claimed may exceed the amount of the**
95 **donor's state income tax liability in the tax year for which the credit is claimed. Any**
96 **amount of credit that exceeds the qualified donor's state income tax liability may be**
97 **refundable or may be carried forward to any of the taxpayer's four subsequent taxable**
98 **years.**

99 **5. For all taxable years beginning on or after January 1, 2020, any qualified donor**
100 **shall be allowed a credit against the taxes otherwise due under chapters 143 and 148,**
101 **except for sections 143.191 to 143.265, in an amount of thirty percent of the eligible artifact**
102 **donation. The amount of the tax credit claimed may not exceed the amount of the qualified**
103 **donor's state income tax liability in the tax year for which the credit is claimed. Any**
104 **amount of credit that exceeds the qualified donor's state income tax liability shall not be**
105 **refundable but may be carried forward to any other taxpayer's four subsequent taxable**
106 **years.**

107 **6. To claim a credit for an eligible monetary donation as set forth in subsection 4**
108 **of this section, a qualified donor shall make an eligible monetary donation to the board as**
109 **custodian of the capitol complex fund or other eligible recipient. Upon receipt of such**
110 **donation, the board or other eligible recipient shall issue to the qualified donor a statement**
111 **evidencing receipt of such donation, including the value of such donation, with a copy to**
112 **the department. Upon receipt of the statement from the eligible recipient, the department**
113 **shall issue a tax credit certificate equal to fifty percent of the amount of the donation, to**
114 **the qualified donor, as indicated in the statement from the eligible recipient.**

115 **7. To claim a credit for an eligible artifact donation as set forth in subsection 5 of**
116 **this section, a qualified donor shall donate an eligible artifact to the board of public**
117 **buildings. If the board of public buildings determines that artifact is an eligible artifact,**
118 **and has determined to accept the artifact, it shall issue a statement of donation to the**
119 **eligible donor specifying the value placed on the artifact by the board of public buildings,**
120 **with a copy to the department. Upon receiving a statement from the board of public**
121 **buildings, the department shall issue a tax credit certificate equal to thirty percent of the**
122 **amount of the donation, to the qualified donor as indicated in the statement from the board**
123 **of public buildings.**

124 **8. The department shall not authorize more than ten million dollars in tax credits**
125 **provided under this section in any calendar year. Donations shall be processed for tax**
126 **credits on a first come, first serve basis. Donations received in excess of the tax credit cap**

127 shall be placed in line for tax credits issued the following year or shall be given the
128 opportunity to complete their donation without the expectation of a tax credit, or shall
129 request to have their donation returned.

130 9. Tax credits issued under the provisions of this section shall not be subject to the
131 payment of any fee required under the provisions of section 620.1900.

132 10. Tax credits issued under this section may be assigned, transferred, sold, or
133 otherwise conveyed, and the new owner of the tax credit shall have the same rights in the
134 credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise
135 conveyed, a notarized endorsement shall be filed with the department specifying the name
136 and address of the new owner of the tax credit and the value of the credit.

137 11. The department may promulgate rules to implement the provisions of this
138 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
139 created under the authority delegated in this section shall become effective only if it
140 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
141 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
142 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
143 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
144 grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
145 shall be invalid and void.

146 12. Pursuant to section 23.253 of the Missouri sunset act:

147 (1) The provisions of the new program authorized under this section shall sunset
148 automatically six years after August 28, 2020, unless reauthorized by an act of the general
149 assembly; and

150 (2) If such program is reauthorized, the program authorized under this section
151 shall sunset automatically twelve years after August 28, 2020; and

152 (3) This section shall terminate on September first of the calendar year immediately
153 following the calendar year in which the program authorized under this section is sunset.

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